This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

**Usage guidelines**

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

**About Google Book Search**

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Author and Title

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

| Call Number | Volume | Copy |
|---|---|---|
| KFW<br>2425<br>A223 | 1876 | |

THIS BOOK DOES NOT CIRCULATE
OUTSIDE THE BUILDING

| NAME | LOCATION |
|---|---|
| | |
| | |
| | |
| | |

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

KFW vol
2425 1876
A223

THE

# LAWS OF WISCONSIN,

TOGETHER WITH THE

# Joint Resolutions and Memorials

PASSED AT THE

TWENTY-NINTH ANNUAL SESSION OF THE WISCONSIN LEGISLATURE.

IN THE YEAR 1876.

---

*By Authority.*

---

MADISON, WIS.:
E. B. BOLENS, STATE PRINTER.

1876.

# LAWS OF WISCONSIN.

## CHAPTER 237.

[Published April 6, 1876.]

AN ACT to amend sections one (1), and two (2), of chapter one hundred and thirty-eight (138), of the general laws of 1870, entitled, "An act for the destruction of lynxes, wolves and wild-cats."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1), of chapter one hundred and thirty-eight (138), of the general laws of 1870, entitled, "An act for the destruction of lynxes, wolves and wild-cats," is hereby amended so as to read as follows: That any person who shall kill any wolf within this state, shall be entitled to receive a compensation or reward for each wolf so killed the sum of five dollars ($5). Amended. Bounty on wolves.

SECTION 2. Section two (2), of said chapter one hundred and thirty-eight (138), of the general laws of 1870, is hereby amended so as to read as follows: That any person who shall kill any wild-cat or lynx within this state, shall be entitled to receive a compensation or reward for such wild-cat or lynx so killed, the sum of ($3). Amended. Bounty on lynxes and wild cats.

SECTION 3. This act shall take effect and be in full force from and after its passage.

Approved March 9, 1876.

---

## CHAPTER 238.

[Published March 30, 1876.]

AN ACT to revise, consolidate and amend an act, entitled, "An act to incorporate the city of Waupaca," approved March 5, 1875.

*The people of the State of Wisconsin represented in senate and assembly, do enact as follows:*

### CHAPTER 1.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Waupaca, contained within the limits and bound- General powers of corporation.

aries hereinafter described, shall be a city by the name of the city of Waupaca, and the people now inhabiting, and those who shall hereafter inhabit the district of country herein discribed, shall be a municipal corporation by the name of the city of Waupaca, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

City boundaries.

SECTION 2. The territory lying in the county of Waupaca, and being all of sections nineteen (19) and twenty (20), except the north half of the northeast and northwest quarters of said sections, all of sections twenty-nine (29) and thirty (30), and the north half of the northeast and northwest quarters of sections thirty-one (31) and thirty-two (32), of township twenty-two (22) north, of range twelve (12) east, shall comprise the territory and limits of the city of Waupaca.

Ward boundaries.

SECTION 3. The city shall be divided into four wards, as follows: The First ward shall be all that portion of said city embraced within sections nineteen (19) and thirty (30), south of the Waupaca river, and north of the following line, viz: commencing at the junction of Division and Union streets, running west on Union street to Franklin, north on Franklin to Fulton, and west on Fulton street to west line of said city. The Second ward shall be all that portion of said city embraced in sections twenty-nine (29) and thirty-two (32), lying south of Waupaca river and east of the west line of said sections. The Third ward shall be all that portion of said city lying north of Waupaca river. The Fourth ward shall embrace all that portion of said city in sections thirty (30) and thirty-one (31), and not included in foregoing ward boundaries.

In whom corporate authority vested.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of one member from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

## CHAPTER II.

### ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, an assessor, a police justice of the city at large, and one alderman from each ward, who shall be ex-officio supervisor, and shall be entitled to represent his ward on the county board of supervisors, and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer, assessor and aldermen, for one year; the police justice and justices of the peace, for two years. The mayor, treasurer, assessor and police justice shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected.

City officers—terms and qualifications.

SECTION 2. The qualified voters of the city of Waupaca shall hold an election on the first Tuesday of April in each year, for the election of city and ward officers. Said elections shall be held for the officers herein designated, at such place, convenient for the electors, as shall be designated by the common council, and shall be presided over by the mayor and aldermen, or, in case of their absence or disability, the voters present at the hour of opening the polls shall elect, viva voce, a sufficient number of inspectors to make five with the alderman or aldermen, or said mayor present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot-box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of said returns to the city clerk of the city of Waupaca, the other to the county clerk for the county of Waupaca. Three of said board of inspectors shall constitute a quorum at any election. The mayor of the city and the members of the common council shall constitute a board of canvassers, who shall, within five days af-

City elections—how conducted

ter such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by certificate, the persons elected to the respective offices. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act and the existing laws of the State of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws of the state. The ward officers shall be voted for on the same ticket with the city officers, but the ticket shall have designated thereon the number of the ward for which it is voted; and there shall be ballot-boxes for each ward numbered to correspond with the different wards of the city, and the tickets shall be put into the boxes corresponding to the number of the ward for which it is voted; and the ballot of each elector shall be put into the box of the ward of which he is a resident; and there shall be kept separate poll-lists for each ward.

Election to fill vacancy.

SECTION 3. In the event of a vacancy in the office of mayor, police justice or alderman, by death, removal or other disability, the common council shall order a new election and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Tie vote.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

Qualification of electors.

SECTION 5. All persons who are qualified electors of the State of Wisconsin, and who shall be bona fide residents in the city at the time of any election of the city of Waupaca and in the ward for which they offer their vote shall be deemed qualified electors of said city and ward.

SECTION 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving any such vote shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization), that you have resided in the State of Wisconsin one year next preceding this election; and that you are now an actual resident in the city of Waupaca, and within ward No.—, and that you have not voted at this election; and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and, upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury. If any person, not a qualified voter, shall vote at any election, or if any person duly qualified shall vote for any other ward than the one in which he resides or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such prosecutions shall be tried in the circuit court for the county of Waupaca, unless removed as in other cases, under the statute relating to change of venue.

Challenge of votes.

Oath of elector.

Penalty for illegal voting.

SECTION 7. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the

Special elections.

board of inspectors or a quorum thereof, as provided by this act and returns thereof shall be made in the same time, manner and form as of general or annual elections.

Officers to hold over.

SECTION 8. There shall be an alderman and justice of the peace elected for the fourth ward of said city, at the election on the first Tuesday of April next. The aldermen for the other wards, who shall hold over by virtue of their election on the fourth Tuesday of last March shall be the aldermen for their respective wards for the year ensuing the next election, viz: first Tuesday of April, 1876, and until their successors are elected and qualified.

When office shall be deemed vacant

SECTION 9. Any officer removing from the city and any ward-officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

Terms of office.

SECTION 10. The term of every officer elected under this law shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year and until his successor is elected and qualified. And each of said officers shall have such powers and perform such duties as are prescribed in this act or may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

When council may order new election.

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for.

## CHAPTER III.

### OFFICERS—THEIR POWERS AND DUTIES.

Officers to take oath of office

SECTION 1. Every person elected or appointed to any

office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Waupaca a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. and give bonds.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and have a vote therein, and shall take care that the laws of the state, and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen as the common council may at any regular meeting authorize, of which there shall be at least one in each ward, all of whom shall have all powers and perform the duties of common constables, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council; and the said policeman shall receive the fees allowed constables for the same services, and in addition may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of a majority of the common council. The common council may by ordinance prescribe the powers of police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary and at all times give such information as the common council may require. The mayor shall have the power to adminis- Mayor—his powers and duties.

ter oaths and affirmations, take acknowledgments of deeds and other instruments, and perform marriage ceremonies.

President of council.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant, or other proceeding whatever which the mayor has refused to sign, and communicated such refusal to the council.

City clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall have the right to procure suitable and proper books, blanks and stationery for his office at the expense of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council, kept by him, shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records, certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasurer in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax-lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations and take acknowledgments of deeds and

other instruments. He may appoint a deputy in writing, under his hand, and file such appointment in his office and such deputy in case of absence or disability of the clerk, shall act in his place.

City treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all the disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Chief of police.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess all the powers and perform all the duties of a constable under the laws of the state, so far as serving criminal process is concerned, and shall receive like fees, but he shall not go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city. He shall not serve any process in civil actions except actions to which the city of Waupaca is a party. The policemen of said city shall be under the control and direction of the mayor and chief of police, and shall have all the powers and shall perform all the duties of a constable under the laws of the State of Wisconsin.

Further duties of officers.

SECTION 7. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Official paper.

SECTION 8. The common council shall, at their first meeting each year, or as soon thereafter as may be, designate a newspaper, printed and published in the county of Waupaca, and circulated in the city of Waupaca, to publish all ordinances and by-laws, and full

minutes of all their proceedings, and to do all other printing under the provisions of this act, and they may let the same by contract to the lowest responsible bidder for the term of one year; and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law, or proceeding has been published, and such affidavits shall be *prima facie* evidence of the publication of such notices, ordinances, proceedings, or by-laws.

Penalty for neglect to deliver books and papers to successor.

SECTION 9. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers, and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this state.

Peace officers—their powers and duties.

SECTION 10. The mayor, sheriff of Waupaca county, each and every alderman, justice of the peace, policemen and watchmen, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all bystanders, and, if need be, of all citizens and military companies. If any person, by-stander, military officer or private shall refuse or neglect to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Police justice—power and jurisdiction of.

SECTION 11. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials, in criminal cases arising within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases arising within the city, by any other justice in the city, but no fees shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the

city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Waupaca, or its charter, or for a breach or violation of any such ordinance, by-law and regulations, and in all cases of offenses committed against the same. All prosecutions for a breach or violation of any such by-laws, ordinances, regulations or offenses against the city of Waupaca or its charter, shall be commenced in the name of the city of Waupaca, and the same proceedings shall be had in all civil and criminal suits before said police justice where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; *provided*, that in cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said city or its charter, no appeal shall be allowed where judgment or fine imposed, exclusive of costs, is five dollars or less; but in all other cases appeals shall be allowed as now provided in justice's court, except in cases where the city is a party, the bond shall run to the city. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same and of keeping or maintaining disorderly and ill-governed houses, said justice shall have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in cases of contempt, as a court of record; *provided*, that nothing in this act contained shall be deemed to divest the circuit judges of their authority as conservators of the peace; nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such police justice, or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said police justice, and it shall thereupon be the duty of the mayor

**Prosecutions to be commenced in name of city.**

**No appeal in certain cases.**

to inform the chief of police and policemen of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace so appointed, shall for the time being possess all the authority, powers and rights of said police justice; all fines and penalties imposed by the police justice for offenses against said city or its charter, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city.

Police justice to report to common council and pay over fines collected to treasurer.

SECTION 12. The police justice shall report quarterly to the common council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall, at the same time, account for and pay over to the treasurer the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable for or pay any costs for violations of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that all justices of the peace are required by law to do.

Superintendent of streets.

SECTION 13. At the first meeting of the council after the annual election in April in each year, or within ten days thereafter, the common council may elect one superintendent of streets for each ward of the city, and a city surveyor, each one of whom shall hold his office until his successor is appointed and qualifies, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

Duties and compensation of assessors.

SECTION 14. The assessors shall assess all the taxable property of said city, as required by law, and shall complete and return his assessment roll to the common council on or before the first Monday of July in each year. During the last week in the month of June in each year, the assessor shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make such alterations and amendments thereto as justice and equity may require. The assessor shall receive for his services such compensation as the common council may determine, not exceeding the sum of three dollars per day for each day necessarily employed in making such assessment. The said assessor, together with the mayor, or in his absence or disability, the president, [and] the city clerk shall constitute a city

board of equalizers, and they shall meet at the office of the city clerk of said city, on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.

Duties of superintendent of streets.

SECTION 15. The superintendents of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven, of chapter six of this act, and such other duties as may be required of them by this act, and the ordinance of the common council of said city, not inconsistent with this act.

Duties city surveyor.

SECTION 16. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him, for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the common council.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council—powers and duties.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Waupaca do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen, including mayor, shall constitute a quorum.

Shall hold stated meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and to enforce its rules; to punish by fine and imprisonment,

by a vote of a majority of its members, any member for disorderly or contemptuous conduct, and, by a vote of a majority of its members, may expel any member for cause.

General powers of council.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, delaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, they are not repugnant to the constitution and laws of the United States or of this state, and for those purposes shall have authority, by ordinances, resolutions, or by-laws:

To license places of amusement.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common or statute law, and to grant licenses for selling spiritous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spiritous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within a year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

To prevent gambling.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in

said city, and restrain any person from vending, giving or dealing in spiritous or vinous liquors, unless duly licensed by the common council. 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. 5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder and regulate the storage, keeping and conveying of the same or other combustible materials. 6th. To provide for the making, grading, improving and repairing of the streets of the city of Waupaca, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatever. 7th. To prevent horse-racing, immoderate riding or driving, in the streets or on the bridges within said city, and to regulate the places of bathing and swimming in the waters within said city limits. 8th. To impose a tax upon dogs or to restrain the same from running at large, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances of said city. 9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. 10th. To prevent persons from bringing, depositing or having within said city or placing in the waters within or adjacent to the said city, any putrid carcass or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, hides or

To preserve order.

To abate nuisances.

Public improvement.

Impounding of cattle.

skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts and the charges of cabmen, hackmen, draymen and cartmen, in the city, and to erect lamps and provide for lighting the streets, public grounds or public highways with gas or otherwise.

**Board of health.**

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

**Police regulations.**

13th. To establish the size and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto. 14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks. 15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks, in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to the citizens thereof. 16th. To restrain drunkards, immoderate drinking or obscenity in the sreets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. 18th. To make rules and ordinances for the government and regulation of the police of the city. 19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles. 20th. To regulate the place or places and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

**Removal of dirt and rubbish.**

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street

or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him. all such substances as the board of health shall direct; and in default, to authorize the removal or destruction of all the objectionable substances by some officer of the city, at the expense of such owner or occupant. 22d. To regulate, prevent and control the landing of persons from cars, and stages, or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. 23d. To regulate the time and manner of holding public auctions and vendues. 24th. To appoint watchmen and prescribe their duties. 25th. To provide by ordinance for a standard of weights and measures and for the punishment of any person using or keeping for use any false weights and measures. 26th. The common council shall have jurisdiction over the entire waters within the city so as to prevent any deterioration of the waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired, or for any other purpose authorized in this act. 27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same and in default thereof to cause the same to be done and to levy a special tax upon such lot or grounds to pay the expense of the same.

Weights and measures.

SECTION 4. No appropriation shall be made nor shall any debt be created or liability incurred against the city except by a vote of a majority of all members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money whereby a debt shall be created against, or a liability incurred by the city, shall be approved by the mayor before the same be in force; *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating or establishing a liability against the city, three aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all

How appropriations, ordinances, etc. shall be made.

ordinances, resolutions, by-laws or rules shall be published in a public newspaper printed in the county of Waupaca which may have been selected by the common council to do the printing of the city, and shall be in force from and after their passage and publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper and filed in the office of the city clerk, shall be conclusive evidence of their passage and publication, and a copy of such newspaper with the ordinance or resolution, by-law or rule therein, or any book with a printed copy pasted therein shall be prima facie evidence of such publication.

Power of council not to bar proceedings in court.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time contrary to ordinance, are hereby declared and shall be deemed public or common nuisances.

City officers to account to common council.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, assessor, street superintendents, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of a majority of its members, upon

reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

Removal from office.

## CHAPTER V.

### OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc—mode of procedure.

SECTION 1. The common council shall have the power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city as follows: Whenever ten or more freeholders, residing in any one ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such land, or if a portion of such lands shall not be in the actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice to be given owners of ground to be taken.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Waupaca county, for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

Jury to view premises to be taken.

SECTION 3. Upon the presentation of such application and upon proof of publication or service of the notice herein required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such prem-

ises may lie or interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises to be specified in said precept, and to make return under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

In case of disqualification of juryman.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution, shall be endorsed upon the precept.

Jury to take testimony.

SECTION 5. The said jurors, at such time as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

To report proceedings.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Jury to assess damages.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and return within the time limited such damages and benefits to the common council.

When lands occupied by buildings.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to remove.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove said building at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building he shall have such time for this purpose as the common council shall allow.

Notice of determination to be given.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Building to be sold in certain cases.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their good judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owner or owners respectively, as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owners of such land), as estimated by them as aforesaid, less the proceeds of the sale therof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

Duty of jury in making assessment.

To ascertain difference to be paid to or received by owner.

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case, the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall be in any case collected of them or payable to them.

When lands subject to lease judgment or mortgage.

SECTION 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

Award of jurors.

SECTION 14. Having ascertained the damages and expenses of said improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in the order of their appointment; and thereupon, if the common council shall deem it expedient, they may, by ordinance, order such street to be opened or widened, or such improvements to be made, and an assessment made in pursuance of such award; and if the common council shall not deem it expedient to open or widen such street, or to make such improvements, they shall, by resolution, order all further proceedings upon such petition to be discontinued.

Proceedings may be ordered discontinued.

When lands may be taken.

SECTION 15. The land required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, under the direction of the judge of the circuit or county court of Waupaca county; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city.

SECTION 16. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land, subject to contribute to the payment of the same, shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises, liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be, from the time it is so ascertained a lien and charge thereon, and upon no other property, and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made and collected in the same manner as other taxes. The damages assessed shall be paid or tendered or deposited as herein required, within twelve months from the confirmation of such assessments and reports; and if so paid, tendered or deposited, the proceedings in such case shall be void.

City clerk to give notice of assessments.

When damages to be paid.

SECTION 17. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon confirmation of such report, respectively cease and be absolutely discharged.

When land to be taken is under lease or mortgage.

SECTION 18. When only part of a lot or tract of land or other premises so under lease, or other contract shall be taken for any of the purposes aforesaid, all covenants, contracts or agreement respectively, the same upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

When part of land is under lease or mortgage.

SECTION 19. When any known owner of lands [or] tenements affected by any proceedings under this act shall be an infant or labor under any disability, the judge of the circuit court of Waupaca county, or the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such

When owner of land is under legal disability

party, and all notices required by this act shall be served on such guardian.

Jurors to take oath.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve; and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeal from assessment.

SECTION 21. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council appeal from said assessment of damage or benefit, to the circuit court of Waupaca county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal. After the award and assessments heretofore provided for shall have been made, and it shall have been found that the amount of such assessments over and above the amount of the awards shall not be sufficient to pay the whole cost of any such contemplated improvement, the amount of such deficiency shall be assessed by the common council upon the city.

Survey and profile to be made.

SECTION 22. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements be made, under the provisions of this chapter, or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Common council may acquire property, lay out streets, etc.

SECTION 23. Nothing in this chapter shall be construed as preventing the common council from acquiring private property for the uses in this chapter designated by gift, agreement, purchase, or in any other manner which may be provided by the laws of this state, and of laying out public squares, grounds, roads, streets, highways and alleys through the same, and to make all necessary and proper improvements, as fully as under the provisions of the foregoing chapter.

## CHAPTER VI.

### IMPROVEMENTS OF STREETS AND SIDEWALKS, ETC.

Ordinances for repair or construction of streets—how to be passed.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street or alley at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter, street or alley, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law, shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced shall have been published in the official newspaper of said city.

Grade of streets.

SECTION 2. The common council of the city of Waupaca shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages and said council shall have refused or neglected for three months to pay or settle the same.

Duty of superintendent of streets.

SECTION 3. It shall be the duty of the superintendents of streets to see that all ordinances of the city relating to the obstruction and cleaning or clearing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. Under the supervision of the common council the superintendent of streets shall have a general supervision over all the works let by contract for the improvement of streets or sidewalks in said city unless the common council shall otherwise provide.

Construction and repair of sidewalks.

SECTION 4. Sidewalks shall be constructed, re-constructed or repaired upon the proper established grade of any street in said city, of such width, in such

manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the materials, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city by at least one insertion thereof of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract sufficient to pay the cost of constructing the same; *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order, requiring the construction of such sidewalks by the publication of the same by at least one insertion in the official paper of the city; *provided*, *further*, that nothing herein contained shall prevent the common council from directing the work to be done by the superintendents of streets or by the city without letting the same as hereinbefore provided.

**Powers of council in ordering construction or repair of sidewalks.**

SECTION 5. The common council shall have power, by a vote of a majority of all its members, to order the building, construction, reconstruction or repair of sidewalks in the city of Waupaca, in such manner as they may deem proper. The city clerk shall, in case the city council propose to let the work to the lowest bidder, receive proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks, shall receive any pay

therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which in the opinion of the superintendents of streets will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, they shall be authorized, and it is hereby made their duty to cause the same to be immediately repaired; and when the same is completed they shall make out an itemized bill of the cost of such repairs, specifying the lot or block, or piece or parcel of land in front of which said work was done, verified by their oaths, and shall deliver the same to the city clerk; and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Waupaca, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Waupaca, the said superintendents shall return said account to the common council, with their certificate stating the fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Poll tax.

SECTION 6. Every male inhabitant of the city of Waupaca, over twenty-one years of age, and under sixty, except active members of the fire department, and such as shall be exempted on account of sickness, infirmity, poverty, or other cause, as hereinafter provided, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll-tax. It shall be the duty of the assessor of the city of Waupaca, during the month of May in each year, to make out duplicate lists of all the persons liable to said tax in the city of Waupaca, and said assessor shall, on the first Monday of June of each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Waupaca. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on

How collected.

or before the first day of July of each year, shall be liable to and pay a penalty of two dollars, together with the cost of prosecution, to be prosecuted for by said treasurer in the name of the city of Waupaca. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets of the respective wards, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out upon itemized accounts of the street commissioners of such wards, certified to by the aldermen of the ward in which said work is done, and audited by the common council. The mayor, assessor and city clerk shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property.

**Powers and duties of superintendents of streets.**

SECTION 7. The superintendents of streets for the respective wards shall, before entering upon the duties of their office, execute to the city a bond in the penal sum of five hundred (500) dollars with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of their office and for such other duties as may be required of them by the council, and for the proper expenditure of the money which may be collected or come into their hands by virtue of their office. They shall have a general supervision of all streets, subject to the common council; they shall expend the money realized from the poll tax in their respective wards, at such places in each ward as they shall see fit; they shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by them, by virtue of this act, and from whom received,

and how, where and when expended, and the said superintendents of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets according to the terms thereof, and the council may at any time remove them or any of them from office for neglect of duty, and appoint a competent man in their place. The street superintendents shall receive for their services not more than two dollars for each day actually and necessarily occupied by them in the discharge of their duties.

Letting of contract for repair or construction of streets.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of a majority of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making or improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter, or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same without giving notice requiring the owner or owners of such lot or lots, or pieces of ground to construct the same.

Council to order and contract for work on streets, alleys, etc.

SECTION 9. The common council of the city of Waupaca shall have the power, by an affirmative vote of a majority of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters, and sewers in the manner hereinafter mentioned, and direct and control the persons employed therein.

Expenses chargeable to city.

SECTION 10. The costs and expenses of surveying streets, alleys, sewers, and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading or graveling, planking, paving or repairing of streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such portion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby; and fronting upon the side of the street

Chargeable to property.

along which said sewer or gutter shall be constructed; *provided, however*, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed; *and provided further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley, or public ground.

Estimate of expenses to be made.

SECTION 11. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of a majority of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvement to be done directly by and under the supervision of the street superintendent for the proper ward or wards at the uniform expense, in whole or part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Contract to be let to lowest bidder.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall present to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if [in] their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make report thereof in writing as soon as practicable, but within ten days after such examination to the common council; and such proportion as shall be properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom, as a special assessment, in the same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, in-

In case of extraordinary cutting or filling.

Proviso.

fants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

Supervision of work.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the common council or a committee thereof, and superintendents of streets.

Certificate to be issued for work done.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the common council such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

SECTION 15. Nothing in this chapter contained shall be construed as preventing the common council from building any sidewalk, gutter, or repairing the same, or grading or improving any street, or doing any of the work provided for in this chapter, in the whole or in part, at the expense of the city, when in their discretion such work is to benefit the general public more than a small number of the inhabitants of said city; or from doing any of said work by contract or otherwise, or under any other plan or method provided by any general law of this state which can be made applicable thereto.

## CHAPTER VII.

### FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

**Funds to be under control of council.**

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

**No debt to be contracted except by vote of council.**

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act.

**Forfeitures and penalties to become part of general fund.**

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or perfecting such rolls, as they may from time to time deem advisable.

**Property subject to taxation.**

SECTION 5. The fiscal year of the city of Waupaca shall commence on the first day of September, on which day, or within thirty days thereafter, the common council shall, by resolution, determine what

**Levy of taxes.**

amount of money, including the estimated resources of the city, not derived from direct taxation, for the year there next ensuing, will be required for general city purposes during the year, and the common council shall thereupon be empowered to levy and shall by resolution levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall also, in the month of September of each and every year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not exceed five (5) mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll, which shall be collected in the same manner as the general taxes of said city are collected. The city treasurer shall credit each ward in said city with the amount of highway tax collected by him therein, and all the moneys so collected shall be expended on streets and highways in the wards where collected, under the direction of the street commissioner therein, unless the common council shall otherwise order and direct. The bridges shall be built and maintained by the city at large. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Waupaca; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money, and shall be paid over by the city treasurer to the treasurer of the school boards entitled thereto, upon the order of the proper officers thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of a majority of all the members of the common council.

For general purposes.

For highway purposes.

For payment of city bonds.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Taxes levied to be lien on property.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Waupaca, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

Assessment roll to be laid before county board.

SECTION 8. The board of supervisors of Waupaca county shall have the right to regard the city of Waupaca as a town, in equalizing the assessment rolls of the several towns in said county as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

City to be regarded as town in equalizing assessment roll.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to by the city clerk in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Tax may be levied without regard to division of city into wards.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax separately, in his warrant to the treasurer for the collection of such taxes.

Duty of city clerk upon receiving statement of taxes.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done, relating to assessing or

Tax list to be evidence.

levying taxes, from the election of the officers to the completion of the tax list, inclusive, has been done regularly, correctly and as required by law.

Duplicate tax list.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

Duty of city treasurer.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Return of delinquent taxes.

SECTION 14. On or before the fifteenth day of February in each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Waupaca county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eighty-seven, inclusive, of chapter eighteen, of the revised statutes, as modified by acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

Sale of delinquent lands.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of

Waupaca at the same time and in the same manner as other delinquent lands are sold in said county.

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

No exemption from special taxes.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or otherwise affect the validity of the assessment or tax.

Error not to invalidate assessment.

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Waupaca, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year, for city purposes, greater, than the amount determined upon as provided in the foregoing section five of this chapter, for such purposes, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation.

How indebtedness of county paid.

Limit of indebtedness.

SECTION 19. The common council shall have power, by a majority vote of all members thereof, to levy a tax or taxes to pay any or all judgments against the city.

Payment of judgments against city.

SECTION 20. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Treasurer to be removed for neglect.

SECTION 21. All accounts or demands against the city before the same shall be allowed shall be verified by affidavit, except salaries and amounts previously fixed and determined by law; and any person who shall falsely swear to any such account or demand, shall be deemed guilty of perjury.

Accounts to be verified by affidavit.

SECTION 22. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk; and upon the presentation of such order the city treasurer shall pay the same to the holder thereof. All such orders shall be numbered in regular series commencing with num-

Payment of accounts and demands against city.

ber one, and shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or paid on any city order or certificate whatever; *provided, however*, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

Actions against city.

SECTION 23. No action shall be maintained by any person against the city of Waupaca upon any claim or demand, until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof has been refused by said council.

Determination of council to be conclusive.

SECTION 24. The determination of the common council, disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim except that such person may appeal to the circuit court, as provided in section twenty-six (26), of this chapter.

Claims not to be entertained a second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim, in whole or in part, the said council shall not thereafter entertain such claim again, unless such disallowance be first reconsidered at that or the next subsequent meeting of the council, and then only by the affirmative vote of a majority of all the members of the council; and such claimant, if he desires, may prosecute said claim by appeal to the circuit court, and not otherwise.

Appeals to circuit court.

SECTION 26. When any claim of any person against the city shall be disallowed, in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Waupaca, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the

said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Waupaca county, and thereupon such appeal shall be entered, tried, and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first sitting thereafter.

## CHAPTER VIII.

### FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Precautions against fires.

SECTION 2 The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipe, ovens, boilers and apparatus, used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs, and ladders leading to the same; to authorize

the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Power of council to purchase fire apparatus and authorize formation of fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty, and which may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by a voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll-tax, from serving on juries, and from military duty during the continuance of such membership; *provided*, that such exemption shall only apply to those who shall have been active members and regular attendants at the meetings of the fire department, for the period of six months prior to the first day of May of each year, and as such shall have been duly reported to the common council by the chief engineer.

Engineers of fire department

SECTION 4. The fire department shall, on the second Monday of April in each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer, and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason said appointment shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department. Said department shall, by its chief officer, make a report, on or before the first Monday in May, in each year, of all those who have been active mem-

bers thereof for six months prior thereto and duly enrolled in the list of members.

SECTION 5. At the same time the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe, and also elect such other officers as they may deem expedient, but no officer of the fire department shall receive any pay for his services from the city. Fire wardens.

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or aldermen at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the chief of police, policeman, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fires shall be extinguished, and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars. Obedience to orders of officers to be enforced.

SECTION 7. The common council shall have power to organize a sack company, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Waupaca, at the time of any fire, and are hereby vested with all its power and authority which is now or may be hereafter vested in any police officer in said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state, or the ordinances of the common council. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall in case of riot or disturbance of the peace, Formation of sack company. Duty of same at fires.

have free access to all licensed places of amusement in the city and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Cause of fires to be investigated.

SECTION 8. The fire department shall have the right, and it is hereby made their duty, in all cases of suspicious fires, or when the cause thereof is not known, to investigate the same; and for that purpose shall have full power to send for persons and papers, swear, and compel the attendance of witnesses, reduce all testimony to writing, and do such other acts as may be necessary in the premises.

## CHAPTER IX.

### ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in corporate name of city.

SECTION 1 All actions brought to recover any penalty or forfeiture under this act, or the ordinances, resolutions, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Prosecutions to be commenced by summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons shall be substantially in the following form:

County of Waupaca—City of Waupaca, ss.

The State of Wisconsin to the sheriff or any constable of said county, or to the chief of police or any policeman of the city of Waupaca:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, police justice in and for said

city, at my office in said city, on the —— day of ——, 18—, at —— o'clock in the ——noon, to answer to the city of Waupaca in a plea of debt, to the damage of said city, two hundred dollars or under.

Given under my hand at said city, this —— of ——, 18—.

C. D., Police Justice.

How summons made returnable and served.

SECTION 4. Such summons shall be returnable and be served in the same manner as is now, or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Waupaca against A. B.

In Police Court, before C. D., Police Justice.

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section ——, of chapter —— of this act or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Waupaca, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint on oath.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The city of Waupaca against A. B.

In Police Court, before C. D., Police Justice.

County of Waupaca, ss:

—— ——, being duly sworn, complains on oath to C. D., police justice in and for the city of Waupaca, in said county, that A. B. on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that said A. B.

may be arrested and held to answer to said city of Waupaca therefor.

Sworn to before me this —— day of ——, 18—.

—— ——.

Sufficient to give number, chapter, etc.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following terms:

Form of warrant.

County of Waupaca—City of Waupaca, ss.

The State of Wisconsin to the sheriff or any constable of said county, and to the chief of police or any policeman of the city of Waupaca, greeting:

Whereas, —— —— has this day complained to me, in writing on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section ——, of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Waupaca, on the complaint aforesaid.

C. D., Police Justice.

Defendant to give security for appearance.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Waupaca county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Copy of ordinance, etc. to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

SECTION 8. Witnesses and jurors shall attend before the police justice in all civil and criminal suits, whether the city is a party as provided in this chapter without the payment of fees in advance or a tender thereof, upon process duly served, and, in default thereof, their attendance may be compelled by attachment.

Witnesses and jurors to attend without pre-payment of fees.

SECTION 9. In prosecutions under this chapter, when the city is a party, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendent for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendent, and the nonpayment thereof, the police justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Jury not to be allowed in city prosecutions.

When defendant to be committed.

Form of execution.

County of Waupaca, City of Waupaca, ss.

The State of Wisconsin to the sheriff or any constable of said county, or to the chief of police or any policeman of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Waupaca, on the —— day of ——, 18—, recovered a judgment before the undersigned police justice in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents costs of suit, for the violation of (section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title). You are, therefore, hereby commanded to levy distress of the goods and chattels of said —— ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said —— —— and him convey and deliver to

the keeper of the common jail in Waupaca county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— —— for the term of ——, unless the said judgment, together with all the costs and fees, including the jailor's fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

C. D., Police Justice.

Form of commitment.

The form of the commitment shall be substantially the same as that of the excution, omitting all that relates to the levy and sale and return of writ.

Right of appeal

SECTION 10. In any case where the judgment or fine imposed, exclusive of costs, is over five dollars, the defendant may appeal from such judgment to the circuit court of the county of Waupaca; *provided*, such defendant, within twenty-four hours, enter into recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court, and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Duty of justice in case of appeal.

No notice of trial required in case of appeal.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

In case judgment of justice is affirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort, or by imprisonment in county jail, as in this chapter provided.

Residence not to disqualify.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being

an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SECTION 14. All ordinances and regulations now in force in the city of Waupaca, or which were in force in the village of Waupaca, at time of incorporation of the city of Waupaca, and not inconsistent with this act, and not therefore modified or repealed, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Village ordinances, etc. to remain in force.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process or summons with the mayor or clerk of said city and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by ordinance or resolution of said council may be in such cases provided.

Actions against city.

SECTION 16. All penalties and forfeitures recovered and collected under and by virtue of this chapter shall be paid into the city treasury for the use and benefit of said city.

Penalties, etc. to be paid to city.

SECTION 17. All fire-engines, hose-carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose-carts, hooks and ladders and other apparatus, and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Fre apparatus exempt from execution.

SECTION 18. No real or personal property of any inhabitant of said city, or of any individual or corporation therein, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or any judgment against said city.

Private property exempt from execution against city.

SECTION 20 [19]. In all cases where a defendant shall be convicted of any violation of any chapter or section of this act, or ordinance, by-law or regulation of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the common jail of Waupaca county, for any period not exceeding six months; *provided*, the mode or manner of punishment, whether by fine or imprisonment, or both, shall not exceed or be otherwise than provided in this act, or the ordinance, by-law or regulation under which such person may be convicted.

Power of court to sentence to imprisonment.

## CHAPTER X.

### PUBLIC SCHOOLS.

Boundaries of Waupaca Union School District.

SECTION 1. All the following described territory, to-wit: All of section sixteen (16), south half of sections seventeen (17) and eighteen (18), all of sections nineteen (19), twenty (20), twenty-one (21), twenty-eight (28), twenty-nine (29), thirty (30), and thirty-one (31), and west half of section thirty-two (32), and which is embraced in part within the boundaries of the city of Waupaca as described in this act, and the town of Waupaca, shall be a body corporate under the corporate name of "Waupaca Union School District," and shall sue and be sued by its corporate name; and the legal voters thereof shall have power at any annual meeting or special meeting called for that purpose to raise by tax upon all the taxable property of said district, such sum as they may deem necessary, not exceeding the limits fixed by constitutional law, for the purchase of sites and for the erection of suitable buildings for school purposes in said district. They shall also have power to raise by tax annually upon all the taxable property of said district, a sum not exceeding five thousand dollars, to alter, enlarge or repair school buildings, out-houses and fences; to purchase apparatus and furniture for the schools of the district; to pay the wages of teachers; to purchase fuel and defray all the incidental and contingent expenses of said schools, including the necessary expenses of the board of education, and the salary of the superintendent of schools for said district.

Power to levy tax for school purposes.

Board of education.

SECTION 2. The legal voters of said district shall have power, and it shall be their duty to choose by ballot six commissioners of schools for said district, who shall be residents thereof, and who shall constitute and be denominated the "Board of Education of Waupaca Union School;" and who shall, within ten days after their election, take and file with the clerk of said district their oath of office.

Terms of commissioners.

SECTION 3. Said commissioners shall be divided into three classes, to be denominated "first," "second" and "third" classes. The term of office of the first class shall expire at the end of one year from the time of their election; the second class at the end of two years, and the third class at the end of three years

thereafter, so that two shall come into the board each year, and two go out.

Election of commissioners.

SECTION 4. At each and every annual meeting hereafter of said district, there shall be elected two commissioners of schools for said district to supply the places of those whose terms of office is about to expire. They shall hold their offices for three years, and until their successors shall have been elected and duly qualified.

Powers of board of education.

SECTION 5. The said "Board of Education" shall have and exercise all the powers and privileges which are by law conferred upon the boards of common school districts in addition to the powers and privileges conferred by this act, and not inconsistent therewith. They shall also be liable to all the restrictions, penalties, forfeitures and fines imposed by law upon school district boards for neglect of duty or for illegal action. A majority of the board shall at all times constitute a quorum for the transaction of business.

President of board.

SECTION 6. At the first meeting of such board after their election and qualification each year, they shall choose one of their number president, and whenever he shall be absent, a president pro tem may be appointed. They shall also have power, and it shall be their duty, to elect a superintendent of schools for such district, who shall be a resident thereof, and who shall before entering upon the duties of his office, take and subscribe the same oath of office as the members of said board are required to do, and file the same in the same place. The said superintendent shall hold his office during the pleasure of such board of education, and until his successor shall have been chosen and qualified. He shall receive such compensation for the time actually and necessarily spent in the discharge of the duties of his office as may be determined by the vote of the electors at any annual meeting of such district. The said commissioners shall receive no compensation for their services.

City superintendent.

Duties of superintendent.

SECTION 7. The superintendent shall be ex-officio a member of said board of education, and clerk thereof. He shall keep a record of their proceedings which shall be at all times open for the inspection of the citizens of said district. A transcript of said record, certified by the president and clerk of said board, shall be received in all courts and places as *prima facie* evidence of the facts therein set forth. Said superintendent shall, by and with the advice and co-operation of said board, or of a committee thereof, have the gen-

eral supervision and management of all the schools of said district organized by said board. He shall also, with the advice and co-operation of said board, or of a committee thereof, prescribe, alter or modify all rules and regulations for the organization, government and instruction of the schools, for the reception of pupils into the different departments thereof, and for the transfer of pupils from one school to another, and generally for their good order, prosperity and public utility. He shall also perform all the duties in respect to said schools that are required to be performed by the clerks of the school district boards of this state, not inconsistent with this act, and be liable to all the penalties imposed by law upon said clerks for any neglect of duty. He shall also perform such other duties as may be imposed upon him from time to time by the said board with respect to such schools. He shall be required by said board, to examine and license all teachers employed in said school, and all certificates granted by him shall have the same force and effect in regard to the schools of said district as certificates issued by county superintendents of schools to the other schools of the county. But in case the said board shall not require the said superintendent to examine and license teachers, the same shall be done by the county superintendent of schools.

District treasurer.

SECTION 8. The said board shall elect one of their number treasurer of said district who shall, before he enters upon the duties of his office, take and file his oath of office with the clerk of said district, and shall execute a bond to such district in the penal sum of not less than twice the amount of moneys to come into his hands, with two or more sureties, to be approved by the board, conditioned for the faithful performance of the duties of his office and for the faithful accounting of all moneys belonging to such district that may come into his hands as such treasurer. He shall hold his office for one year and until his successor shall have been appointed and qualified. The taxes voted under the provisions of this act shall be levied, collected and paid over in the manner provided by law for the assessment and collection of school-district taxes. The treasurer of such district shall receive such compensation for his official services as the board may allow.

Vacancies and removals.

SECTION 9. The said board of education shall have power to fill all vacancies in said board arising from death, removal or other cause. The said board shall

also have power to remove the superintendent or treasurer for cause at any time they shall deem necessary or proper.

Power of board to establish schools and erect buildings

SECTION 10. The said board shall have the power, with the money raised by the district for that purpose, to organize and establish a high school, and to organize and establish as many primary and intermediate schools in such districts as they shall deem necessary, including those already organized and established. The said board shall also have power, and it shall be their duty, out of the moneys furnished by said district for that purpose, to locate and purchase sites for all the schools of said district; to erect suitable buildings thereon; to alter, repair, enlarge or otherwise improve any of said buildings; to fence and otherwise improve the school grounds; to sell and transfer any such sites, either those now owned by such district, or which may hereafter be purchased, together with the buildings and improvements thereon, and to re-invest the proceeds thereof in more commodious and suitable sites, buildings, and improvements, for the benefit of said district, as the said board shall deem proper.

Power of board to abandon high school and dispose of building.

SECTION 11. If the said board shall at any time deem it more advantageous, or shall deem it necessary or proper to abandon the high school of their district, and think it best not to continue the same longer, the said board shall have power to so determine; and they shall also have the power in such case, in their discretion, to sell or lease the high-school building or buildings to such person or persons, and for such time, and upon such terms and conditions as they may think proper, to be used for an academy, or some other institution of letters, science or learning; *provided*, there shall first be had an affirmative vote of said district at an annual or some special meeting called for that purpose, authorizing said board so to act or do.

Custody of school property, and payment of teachers.

SECTION 12. The said board shall have the custody, control, and safe-keeping of the school-buildings, out houses, books, furniture, apparatus, and appendages of all the schools of said district, and the title thereof shall be in the school district. They shall pay the wages of all teachers employed therein out of the school moneys, which shall be provided either by tax or by appropriation of public moneys for that purpose, and out of the moneys raised by tax they shall defray all the necessary contingent expenses of said

schools, for the purchase of libraries and apparatus, the salary of the superintendent, and the incidental expenses of said board.

Attendance of non-resident pupils.

SECTION 13. The said board shall have power to allow the children of persons not resident within said district to attend any of the schools thereof upon such terms as said board shall from time to time prescribe, fixing a tuition that shall be paid therefor; but all of said schools shall be absolutely free at all times to all children of suitable age resident within said district, and tuition in the high school shall be free to all of any age who reside within the district and whose attainments entitle them to admission by the rules of the board, or of the superintendent.

Duty of board to make annual report.

SECTION 14. It shall be the duty of the said board to prepare in detail and report at each and every annual meeting of said district, a statement of all moneys by them received and expended for the support of the schools, the erection of school houses, and for any purpose whatever connected therewith during the preceding year. Such report shall distinctly state the amount received by tax on said district, the moneys received from the town, city and county treasurer, or from any other source for school purposes. It shall also state the precise manner in which such moneys shall have been expended. They shall also report at such meeting the amount of money necessary, in their judgment, for the support of schools during the ensuing year. The last fiscal year shall close with the day of the last annual meeting.

Annual meeting.

SECTION 15. The annual meeting of said school district shall be held on the second Monday of July in each year, at such time and place, within said district, as may be specified in the notice of election.

Notice of annual meeting to be given.

SECTION 16. It shall be the duty of the superintendent of said school district to give not less than ten days' notice of the time and place of holding such annual meeting, which notice shall be given by publishing the same in some newspaper published in said district, or, if there be no newspaper published in the district, then by posting up notices in four conspicuous places in said district ten days before the meeting.

Meeting not invalidated by want of notice.

SECTION 17. No annual meeting, however, shall be deemed illegal for want of due notice, unless it shall clearly appear that the ommission to give the proper notice was willful and fraudulent.

Election of officers.

SECTION 18. The officers elected at the annual meeting shall be chosen by ballot, and the election shall

be conducted and the votes canvassed according to such rules and by-laws as may be prescribed by the board of education. At all elections the said board of education shall preside and be the judges thereof; special meetings of said district may be called at any time by order of the board of education, by giving six days' notice of the time, place and object of said meeting either by posting notices thereof in three or more public places in said district, or by causing a notice thereof to be published in some newspaper in said district for one week next preceding the time of holding said meeting.

**Meetings of board.**

SECTION 19. The annual meeting of the board of education shall be held on the third Monday of July of each year. Quarterly meetings thereof shall be held on the first Monday of October, first Monday of January, and first Monday of April, of each year. Special meeting thereof may be called by the superintendent or clerk of said board at any time, at the request of any two members.

**How money to be paid out.**

SECTION 20. All moneys that shall come into the hands of the district treasurer shall be paid out by him for school purposes, on the order of the board of education, signed by the president and countersigned by the clerk of said board. All contracts with the district or with the board, shall be signed by the president and countersigned by the clerk.

**Change of boundaries.**

SECTION 21. The common council of the city of Waupaca, and the board of supervisors of the town of Waupaca, or Lind, or Farmington, as the case may be by the territory to be affected, shall have the right to change or alter the boundaries of said district, by first obtaining the written consent to such change or alteration of a majority of all the members of said board of education of [said] district and filing the same in the office of the city clerk of the city of Waupaca, and the town clerk of the town of Waupaca, or Lind, or Farmington, as the case may be; but in no other way shall such change or alteration be made.

**School laws of the state to apply to district.**

SECTION 22. The laws of this state, relating to district schools, shall apply to and govern the said school district, so far as the same are not inconsistent with the provisions hereof and are applicable thereto.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

City of Waupaca invested with property of village of Waupaca.

SECTION 1. The city of Waupaca shall be, and is hereby invested as the lawful owner and successor of all the real and personal property, and all the rights and privileges belonging to the corporation of the village of Waupaca, and such part of all real and personal property, rights and privileges belonging to the town of Waupaca, and included in said city limits, together with all the funds, revenues, debts and demands due and owing to the said village of Waupaca, and that part of said town of Waupaca, not heretofore included in said village, but now by this act included in said city limits which, by or under former acts, ordinances, grants, donations, gifts, construction or purchases, have been acquired, vested or in any manner belongs to said village and such portion of said town or either of them.

Settlement between town and city of Waupaca.

SECTION 2. It is hereby made the duty of the common council of said city and the board of supervisors of said town of Waupaca, to meet together at some convenient place, on or before the first Monday of May, 1876, upon notice given by either body, and, if possible, agree, so far as the same has not already been done, upon some just, fair and equitable settlement or adjustment and division of the property, moneys, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the village and town of Waupaca; and, among other things, make a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town as it shall at that time exist.

In case town and city fail to agree, circuit judge to appoint commissioners to make settlement.

SECTION 3. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Waupaca, upon application made to him by either of said bodies, five days' notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said

town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be, after their appointment and filing with the clerk of the circuit court in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property, moneys, credits, and property owned by said city or any part thereof in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town; and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make an assessment, at a fair cash valuation, of all the property of said city and town liable to taxation at the time of such assessment. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

**How settlement shall be made.**

SECTION 4. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city, which comprises a part of the town of Waupaca, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount thereof to the city treasurer. And in case any portion of territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

**Powers of council over school districts**

SECTION 5. The common council of the city of Waupaca, shall have the same powers in relation to all school districts, situated in whole or in part within said city limits, except as otherwise provided in

chapter ten of this act, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do.

Work to be let by contract to the lowest bidder.

SECTION 6. All work for the city, or either ward thereof, shall be let by contract to the lowest, reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract; *provided*, that the council by the affirmative vote of a majority of all the members thereof, may otherwise provide for such work.

Actions to be brought in name of city—how proceeded with.

SECTION 7. In all cases where an action might be brought by the city of Waupaca against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city; *provided*, that before any person other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of the bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid; *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

When election not held at prescribed time.

SECTION 8. If any election by the people or common council, shall not, from any cause, be held at the time, or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any

officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation, while owned or held by said city.

City may acquire and hold property.

SECTION 10. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Act not to be repealed by general laws.

SECTION 11. The connection between the town of Waupaca and that part of said town included within the city limits, for all town purposes, is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Waupaca, shall be performed by the aldermen of the wards and the other officers of said city, except as herein otherwise provided.

Connection between town and city dissolved.

SECTION 12. Every member of the common council of the city of Waupaca who shall, directly or indirectly, vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization; any member of the common council or other city officer, who shall be, directly or indirectly, interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order of city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint, before the the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than than thirty days nor less than ten days, or both, at the discretion of the court, and any contract made in violation of the provisions of this section shall be void.

Penalty for voting money in violation of charter, receiving compensation for official acts, or being interested in contracts.

Care of paupers.

SECTION 13. The paupers of said city shall be cared for in such manner as shall be provided by the laws of this state relating to the care of paupers.

Licenses—how issued.

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid together with a bond, as required by the laws of this state which bond shall be approved by the mayor, and a sum not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall, by vote, approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall therefore be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time such license was in force.

County jail to be used by city

SECTION 15. The use of the jail of Waupaca county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule, or regulation of said city, but such expenses shall be paid by the city.

Judgments against city.

SECTION 16. When a judgment shall be recovered against any officer of said city, in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless re-

versed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city taxes, next after the rendition of such judgement, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor.

Members of council ineligible to other offices.

SECTION 17. No member of the common council shall be elected or appointed to any office, agency, or place of public trust or profit, by the council, except as provided by this act; neither shall the common council sell, or authorize the sale of, any city order or certificate of indebtedness, for the purpose of raising money for the payment of any debt, for less than the amount expressed upon the face thereof.

Power of mayor to grant pardons.

SECTION 18. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such actions to the council at its next meeting, with his reason therefor. All fines imposed by the police court in the city of Waupaca, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city treasurer shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same year.

Fines to be paid into city treasury.

Removals from office.

SECTION 19. The mayor shall have power, and it shall be his duty, to remove from office any policeman for incompetency, misconduct, or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

Penalty for various offences.

SECTION 20. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity or noisy, boisterous and disorderly conduct in the streets or public places of the city of Waupaca, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one dollar nor more than one hundred dollars, or by

imprisonment in the county jail of Waupaca county for a term of not less than two days nor more than six months.

Complaints—how to be made.

SECTION 21. Whenever any complaint is made to the police justice of said city by any police officer, sheriff, policeman, or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances by fine, penalty, or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice, to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justices' courts, shall be applicable to all trials before the police justice, under this act, so far as the same do not conflict with the provisions of this act; *provided*, when the complaint is made by any person other than a police officer of said city, or sheriff of Waupaca county, the said justice, before issuing his warrant shall require security, as provided in section seven (7), of this chapter; *and provided, further*, that nothing in this section contained shall prevent the commencement of action by summons for such penalty, fine or forfeiture, as provided in chapter nine (9), of this act.

Compensation of city officers.

SECTION 22. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twelve (12), of this chapter.

Assignment of licenses.

SECTION 23. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of a majority of all the members of the common council.

Construction of act.

SECTION 24. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

Repeal of conflicting acts.

SECTION 25. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but this repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, claims, penalties or demands that may

have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of said acts, or any former acts incorporating the city of Waupaca, or any of them; but the same shall exist, and be enforced, and carried out and completed as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 26. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 239.

[Published March 18, 1876.]

AN ACT to authorize the State Board of Charities and Reform to transfer insane persons in certain cases.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Transfer of insane persons from insane hospitals of the state to national hospital.

SECTION 1. Whenever it shall be brought to the notice of the State Board of Charities and Reform, that an insane inmate of either of the Wisconsin hospitals for the insane are legally entitled to receive such care and support in the National Hospital for Insane Soldiers, they shall take such measures as may be necessary to establish the fact of such claim, and when so established they shall transfer or cause to be transferred such insane person to the said hospital for insane soldiers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

# CHAPTER 240.

[Published April 8, 1876.]

AN ACT to authorize incorporated villages to lay out, open, change, extend, and widen public squares, grounds, highways, streets, and alleys.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Power of village authorities to lay out and change streets, public grounds, etc.

SECTION 1. The president and trustees of any incorporated village shall have power to lay out, open, change, extend and widen public squares, grounds, highways, streets and alleys, as follows: Whenever six or more freeholders, residing in said village, shall by petition represent to the board of trustees of said village, that it is necessary to take certain lands within said village for the public use, for the purpose of laying out, opening, changing, extending or widening public squares, grounds, highways, streets or alleys, and shall in such petition specify with reasonable certainty the lots, tracts or parcels of land necessary to be taken for the purposes mentioned in such petition, and the names and residences of the owner or owners thereof, so far as the same can be ascertained, the board of trustees may, if it shall appear to them that the public good will be promoted by granting such petition, and if they shall be unable to make any satisfactory arrangements with the owner or owners thereof for the taking of the same for public use, by resolution to be entered upon their journal, directing such person as may be designated by such resolution, to apply to the county judge, or a court commissioner of the county, for the appointment of a jury to ascertain and establish by their verdict the necessity for taking such lands for the purposes specified in such petition. Such resolution shall also designate the time when and place where such application will be made, and if the owner or owners of the whole or any portion of such lands are known and reside in such village or county, a copy of such resolution shall be served upon such owner or owners personally or by leaving a copy at the usual place of residence of such owner or owners with some person of suitable age and discretion, to whom the nature and contents of such resolution shall be explained, at least six days before the time of making such application. If such owner or owners are

When lands may be taken for public use.

Owners of lands to be notified.

not known, or, being known, do not reside in such village or county, and their post-office address can with reasonable diligence be ascertained, a copy of such resolution shall be deposited in the post-office, postage prepaid, and directed to such owner or owners and published in some newspaper published in such village once in each week for three successive weeks before such application shall be made.

Appointment of jury to establish necessity for taking lands.

SECTION 2. Upon presentation of such application and proof of the due service of such resolution as prescribed in the first section of this act, at the time and place appointed therein for that purpose, the said judge or commissioner, as the case may be, shall appoint twelve respectable and disinterested freeholders of such village, who shall constitute a jury to ascertain and establish the necessity for taking such lands for the purposes specified in such petition. The said judge or commissioner shall thereupon issue his precept, directed to the marshal of such village or to some constable, requiring him to summon said jurors to meet at a time and place to be specified in such precept, to be not more than five days from the date thereof, to view the lands proposed to be taken and to decide upon the necessity for taking them for such purposes, and to make due return of their verdict to the said board of trustees within three days from the time appointed for such meeting. Such precept shall be served by such marshal or constable on each of said jurors by reading the same to him at least two days before the time appointed for such meeting.

When jurors fail to attend.

SECTION 3. In case any of the jurors shall fail to attend at the time and place appointed in the precept, the said judge or commissioner shall appoint other jurors, who are duly qualified as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to or indorsed upon such precept. When such jurors are all present they shall be sworn or affirmed by said judge or commissioner, or some other person authorized to administer oaths, faithfully and honestly to discharge the duties required of them by such precept, and the officer administering the oath shall certify the fact, which certificate shall be indorsed upon or annexed to such precept.

Jurors shall be sworn.

Jurors to examine lands and return verdict, which shall be laid before trustees.

SECTION 4. After the jury are sworn, they shall proceed to examine the lands proposed to be taken, and to inquire into the necessity for taking the same for the purposes specified in the petition and shall

return their verdict in writing, signed by each juror, to the marshal or constable by whom they were summoned, who shall immediately deliver the same, together with said precept and all the papers relating to such proceedings, to the village clerk and the same shall be laid by the clerk before the board of trustees at their next meeting. In case such jury fail to agree, they shall so report to the judge or commissioner by whom they were appointed, who shall thereupon appoint another jury, and such second jury shall be selected, summoned and sworn and proceed in the same manner above prescribed for the first jury. The county judge or commissioner shall be entitled to one dollar, the marshal or constable to two dollars, for each case, and each juror one dollar per day for all services rendered by them respectively in each of such proceedings under this act.

When jury disagree another to be appointed.

Remuneration of officers.

SECTION 5. If the verdict of the jury shall be that it is necessary to take the said lands, or any part thereof, for the purposes specified in such petition, the said board of trustees shall proceed to lay out, open, change, extend or widen such public squares, grounds, highways, streets or alleys, and cause the damages and benefits resulting from the same to be assessed, collected and paid, and said public squares, grounds, highways, streets or alleys, to be widened, opened, laid out or extended in the manner prescribed by this act, they shall cause an accurate survey thereof to be made, when necessary, and shall cause an order containing their decision upon the petition and survey, to be entered in their journal, and shall cause a copy of such order, and a plat of the street or alley, to be filed in the office of the register of deeds of the county.

Wen found necessary to take lands trustees shall proceed in laying out streets, etc., and cause benefits and damages to be assessed.

SECTION 6. The assessment of all benefits and damages which may arise or accrue from laying out, opening, changing, extending or widening any public squares, grounds, highways, streets or alleys, under the provisions of this act, shall be made by the board of trustees of such village. It shall be their duty the same as follows: To each lot or tract injured thereby, or of which the whole or any part thereof must be taken therefor, the board shall assess so much of the damages as they shall deem just; to each lot or tract which will be benefited thereby, they shall assess the amount of such benefit, and shall determine what portion of such damages shall be paid by the village at large, from the general fund of the corpora-

Assessment of benefits and damages.

tion. Their assessment and determination shall be in writing, signed by them, or a majority of them, and filed with the village clerk. The assessment of benefits as made by the trustees, or in case of appeals as hereinafter provided, by the verdict of a jury, shall be a lien upon the several lots or tracts upon which they may be assessed, from the time of the filing thereof, and the collection thereof shall be enforced in the same manner as other taxes assessed against such lands.

Assessment to be lien against property.

SECTION 7. Any person whose property is taken, or against whose property an assessment of benefits is made, as hereinbefore provided, may within ten days, and not afterwards, appeal from such assessment of damages or benefits to the circuit court of the county by filing a notice of such appeal, with his reasons therefor, with the village clerk. Such appeal shall be tried by the court and jury as in ordinary cases, upon receiving notice of such appeal. The village clerk shall transmit to the clerk of the circuit court, a certified copy of all the proceedings relating to the matter in controversy. The verdict of the jury, when rendered, shall be certified by the clerk of the circuit court to the village clerk, together with a statement of the costs on appeal in the appellate court; if the appellant gain nothing in increase of damages or reduction of benefits by the verdict of the jury on appeal, he shall pay the costs of appeal, and judgment shall be entered against him for such costs; otherwise the costs shall be paid by the village, and judgment shall be entered against the village therefor.

Appeal from assessment to circuit court.

Payment of costs.

SECTION 8. No public grounds, squares, highways, streets or alleys laid out, widened or extended under the provisions of this act, shall be opened, widened or extended until the damages for taking the lands therefor as assessed by the trustees, or in cases of appeal by the verdict of the jury, shall have been paid or tendered to the owner or owners, or his or their agent, or in case the owner or agent cannot be found or is unknown, deposited to his credit in some safe and convenient place of deposit. After such payment, tender or deposit, such grounds, square, highway, street or alley, shall be subject to all laws and ordinances of the village in like manner as public grounds, squares, highways, streets and alleys, theretofore laid out and opened. If such payment, tender or deposit shall not be made as aforesaid to all the owners whose lands are required to be taken in the laying out,

Lands not to be taken until payment therefor has been tendered or paid.

When payment not made within one year, proceedings to be void.

widening or extending of any public grounds, square, highway, street or alley, within one year after the assessment of damages as hereinbefore provided, the proceedings in laying out, widening or extending such public grounds, square, highway, street or alley and all assessments thereon shall be void, and any moneys paid into the treasury on account of benefits to any lot or tract of land assessed in such proceedings, shall be refunded to the persons entitled thereto.

Repeal of conflicting acts.

SECTION 9. Chapter two hundred and seventy-eight, of the general laws of 1873, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 241.

[Published April 8, 1876.]

AN ACT to attach Lincoln county to the Eighth congressional district, [circuit] and to organize and define the boundaries of certain towns therein.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

County of Lincoln attached to eighth judicial circuit.

SECTION 1. The county of Lincoln is hereby attached to and shall hereafter form a part of the Eighth congressional district [circuit.]

Organization of town of Corning.

SECTION 2. All that territory embraced within the following limits, to-wit: Commencing at the southwest corner of township number thirty-one (31), north of range four (4) east, thence running east to the southwest corner of township thirty-one (31), north of range six (6) east, thence north on the range line, between ranges five (5) and six (6), to the northwest corner of township thirty-three (33), north of range six (6) east, thence west to the northwest corner of township number thirty-three (33), north of range four (4) east, thence south to the place of beginning, shall constitute and be known as the town of Corning.

SECTION 3. All that territory embraced within the following boundaries, to-wit: Commencing at the southeast corner of township thirty-one (31), north of range ten (10) east, thence running north to the northeast corner of township thirty-three (33), north of range ten (10) east, thence running west to the northwest corner of township number thirty-three (33), of range eight (8) east, thence south to the northwest corner of township thirty one (31), north of range eight (8) east, thence west to the northeast corner of section four (4), of township thirty-one (31), range seven (7), thence south to the southeast corner of section thirty-three (33), township thirty-one (31), range seven (7) east, thence east on the town line, between towns thirty (30) and thirty-one (31), to the southeast corner of township thirty-one (31), range ten (10) east, to the place of beginning, shall constitute and be known as the town of Pine River. Organization of town of Pine River.

SECTION 4. The balance of the territory of the county of Lincoln, not embraced in the above mentioned towns of Corning and Pine River, shall hereafter constitute and be known as the town of Jenny. The county board of supervisors shall not have power to change the boundaries of said towns or any of them for three years next after the passage of this act. County board not to alter boundaries of towns.

SECTION 5. The qualified electors of the town of Corning shall meet at the house of Jacob Webber, in said town, on the first Tuesday of April next, and shall elect the various town officers, as is now prescribed by law. Election of officers for town of Corning.

SECTION 6. The qualified electors of the town of Pine River shall meet at the school-house in said town of Pine River on the first Tuesday of April next, and shall elect the various town officers, as is now prescribed by law. Election of officers for town of Pine River.

SECTION 7. The qualified electors of the town of Jenney shall meet at the school-house in said town of Jenney, on the first Tuesday in April next, and shall elect the various town officers, as now prescribed by law. Election of officers for town of Jenny.

SECTION 8. After the several elections shall have been held, as provided by this act, and the officers that may be elected thereat, shall have duly qualified according to law, the several towns above mentioned shall be deemed to be duly organized and shall possess all the rights and privileges of other towns of this state. When organization to take effect.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 242.

[Published March 18, 1876.]

AN ACT relating to senate and assembly journals.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Transcribing of senate and assembly journals abolished.

SECTION 1. The practice heretofore adopted of transcribing the senate and assembly journals from the printed journal to a journal in manuscript, and the offices of transcribing clerks, is and are hereby abolished.

Printed journals to be substituted for manuscript journals.

SECTION 2. It shall be the duty of the chief clerks of the senate and assembly to preserve and use the printed journals for the senate and assembly, for the same purpose, and in the same manner, for which the manuscript journals have heretofore been kept.

SECTION 3. This act shall take effect and be in force on January 1, 1877.

Approved March 10, 1876.

## CHAPTER 243.

[Published May 5, 1876.]

AN ACT relating to the equalization and assessment of taxes in the city of Grand Rapids.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Assessment and equalization of taxes legalized.

SECTION 1. The assessment and equalization of taxes in the city of Grand Rapids in the county of Wood, in this state, for the year 1874 and 1875, and the acts of the proper city authorities, in relation thereto, are hereby legalized and declared valid and binding in all respects, the same as though the laws then in force had been strictly complied with.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 244.

[Published March 25, 1876.]

AN ACT to amend chapter two hundred and thirteen (213), of the laws of 1873, entitled, "An act authorizing the construction of a levee along the Wisconsin river, in the counties of Columbia and Sauk."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Section one (1), of chapter two hundred and thirteen (213), of the laws of 1873, entitled, "An act authorizing the construction of a levee along the Wisconsin river, in the counties of Columbia and Sauk," is hereby amended by adding to said section the following: *Provided*, that upon application of any owner or owners of lands along said river, it shall be the duty of the board of aldermen of said city, or the board of supervisors of said towns, within thirty days after such application is made to them to locate the line of said levee, within their respective territories, through the lands of said applicants; and said land owners shall have power, after the line of said levee shall have been located as aforesaid, to construct on and through their own lands, a levee as contemplated by this act. And said land owners shall be further empowered to construct such lateral levees connecting with the main one, as shall be necessary to protect their lands from overflow, occasioned by failure to construct the whole or any part of the main levee above their lands; and if said land owners shall construct parts of said levee, as herein provided, and thereafter the city or towns above named, or either of them, shall complete or extend said levee, the said city or towns shall adopt and use the parts constructed by said land owners, and shall pay for the same to said land owners, in the same manner and at the same price per cubic yard, or otherwise, as shall be paid for the completed or extended work done by said city or towns.

Amended.

Construction of levees.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 245.

[Published March 25, 1876.]

AN ACT to amend chapter two hundred and twenty-three (223), of of the laws of Wisconsin, of 1875, entitled, "An act to lay out and establish a state road from the village of St. Croix Falls, in Polk county, to and intersecting state road established from New Richmond to Ashland."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section three, of chapter two hundred and twenty-three, of the laws of Wisconsin of 1875, entitled, "An act to lay out and establish a state road from the village of St. Croix Falls, in Polk county, to an intersecting state road established from New Richmond to Ashland," is hereby amended by adding at the end thereof the following: *Provided*, that such opening, removal, building, constructing and contracting shall have been first authorized in part or in whole, by the county board of supervisors of the county through which so much of said road runs as is to be thus opened, obstructions thereon removed, bridges, drains, corduroys, and culverts constructed; and said commissioners shall perform the same only to such extent as may have first been authorized by said county board of supervisors.

Construction of road to be authorized by county board.

Amended.

SECTION 2. Section four of said chapter is hereby amended by adding to the end thereof the following: *Provided*, that the county board of supervisors of the county through which so much of said road may pass, as such needful subsistence is used upon, shall have first authorized the expenditure therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 246.

[Published March 31, 1876.]

AN ACT to amend section 76, of chapter 7, of the revised statutes, entitled, "Of general and special elections, and the manner of conducting the same, and the canvass."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 76, of chapter 7, of the revised statutes, entitled, "Of general and special elections, and the manner of conducting the same, and the canvass," is hereby amended so as to read as follows: "The secretary of state, state treasurer and attorney general, shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and if only one of said officers shall attend on the day appointed for a meeting of the board, the clerk of the supreme court, at Madison, on being notified by the officer so attending, shall attend without delay with such officer, and with him shall form the board. When any member of the state board is a candidate, he shall so advise the chief justice, and the chief justice shall thereupon designate a judge of the circuit court to act in his stead.

Amended.

Board of state canvassers—how constituted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 247.

[Published March 25, 1876.]

AN ACT to amend section four (4), of chapter one hundred and fifty-three (153), of general laws of 1874, entitled, "An act to authorize W. A. Talboy and H. H. Hanscom to maintain a dam on north fork of Clam river, in Barron county."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four (4), of chapter one hundred and fifty-three (153), of the general laws of 1874, is hereby amended by striking out the words "above specified," where they occur in the twelfth (12th) line,

Amended.

and by inserting after the word "dam," in eleventh (11th) line, the following words: "or driven by the aid thereof;" by inserting the word "fully" after the word "be," where it occurs in the twelfth (12th) line; by inserting after the word "paid," where it occurs in the thirteenth (13th) line, the following words: "which said lien may be enforced in the same manner as the lien of laborers on logs;" so that the said section, as amended, will read as follows: "Section four (4). When the aforesaid persons, their heirs or assigns, shall have completed the said dam, as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber, and lumber passing over such slides, or driven by the aid of such dam, as a compensation for keeping and maintaining such dam, the sum of ten (10) cents per thousand feet, board measure; the amount to be ascertained by scale on the landings in the woods; and the aforesaid persons, their heirs and assigns, shall have a lien upon all logs, timber, and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs; *provided*, that they at all times comply with the provisions of section two (2) of this act."

Rates of toll.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 248.

[Published March 25, 1876.]

AN ACT authorizing the common council of the city of Janesville to fill certain excavations in Center avenue.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to appropriate money.

SECTION 1. The common council of the city of Janesville is authorized to appropriate, out of the general fund of said city, a sum of money, not exceeding two thousand dollars ($2.000), to be used in filling an excavation in the Miltemore stone-quarry, on Center avenue, at a point immediately south of the Montery bridge in said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 249.

[Published March 25, 1876.]

AN ACT authorizing the improvement of certain portions of the Embarrass river.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person, company or corporation that is now or that may be hereafter created, or organized under the laws of the State of Wisconsin, for the purpose, among other things, of improving any portion of the Embarrass river, in the county of Shawano, that may improve that portion of said stream between the west line of township number twenty-seven (27), range number thirteen (13) east, and section number fifteen (15), township number twenty-eight (28), north of range number eleven (11) east, by clearing or straightening the channel thereof, removing rocks, ties, logs, brush, or other obstructions therefrom, by erecting side, rolling or flooding dams thereon, and shall keep the same in repair, and operate the same so as to render the driving of logs down and out of said portion of said stream to be improved as aforesaid, reasonably practicable and certain, shall be entitled to receive and collect for the use of such improvements, a toll of fifty (50) cents per thousand (1,000) feet, board measure, for all logs run down or on the same; *provided*, that when said river shall be improved, as above specified, the party so improving the same shall be entitled to receive such tolls from any party using the same, and it shall be lawful for the party making such improvements, their successors or assigns, to take possession of all logs put into said stream to be floated down the same, in any case where the owner or agent shall not have made adequate provision for driving, by furnishing all necessary tools, men, teams, equipments and supplies, for breaking rollways at the proper time, and making in due time a thorough and speedy drive, without

Persons making improvements may collect tolls.

Rates of toll.

hinderance or delay to other parties using said stream for the same purpose; and to drive said logs down and out of said portion of said stream, so improved, and for such services, expenses and outlays in driving such logs, shall be entitled to charge and receive the actual costs incurred therefor.

Tolls to be lien upon logs.

SECTION 2. For any tolls, charges, costs and expenses, as herein provided, such parties shall have a lien upon such logs upon which the same so accrued, and may seize the said logs or any portion thereof, at any time, and in whosesoever possession the same may be, and sell the same, giving ten (10) days' notice, as provided in giving notice of the sale of personal property on execution on justices' judgment, or may enforce said lien in the same manner as is provided for the enforcement of liens by chapter two hundred and fifteen (215), of the general laws of Wisconsin, for the year 1860, entitled, "An act to provide for a lien for labor or services upon logs and lumber, in certain counties," or any act or acts amendatory thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 250.

[Published March 25, 1876.]

AN ACT to authorize the construction and maintenance of a dam across the Little Wolf river, in section ten, township twenty-four, range thirteen east, in Waupaca county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to maintain dam.

SECTION 1. L. W. Bliss, his heirs and assigns, are hereby authorized to maintain and keep up a dam across Little Wolf river, at a point on the northwest quarter of the northwest quarter of section ten, in township twenty-four, north of range thirteen east, in Waupaca county; *provided*, such dam shall not raise the water to exceed sixteen feet.

Suitable slides to be built.

SECTION 2. The aforesaid L. W. Bliss, his heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same,

and shall keep the same in repair. The same shall be kept open at all times when the river is in a driving stage and there are logs, timber or lumber to run over said dam, and when it is not necessary, to hold the water back for the purpose of driving or floating logs, timber or lumber below the dam, for which purpose flood-gates shall be kept in repair and built in such a manner as to be shut or opened, as the case may require, to float the said logs, timber or lumber.

SECTION 3. The aforesaid L. W. Bliss, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years. Term of grant.

SECTION 4. The control of said dam, the slides and gates of the same, shall belong to the aforesaid L. W. Bliss, his heirs and assigns, but subject always to the provisions of section two of this act. Control of dam

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 251.

[Published March 25, 1876.]

AN ACT to authorize Albert B Stephenson, to build and maintain a pier extending into the waters of Green Bay.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Albert B. Stephenson, his assigns and legal reprensentatives, is hereby authorized to build and maintain a pier extending into the waters of Green Bay, at little Sturgeon Bay, in the town of Gardner, in Door county, from lot three (3), section eleven (11), town twenty-seven (27) north, and range twenty-four (24) east, as far as may be necessary for shipping and commercial purposes. Authority to build pier.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

# CHAPTER 252.

[Published March 29, 1876.]

AN ACT to authorize John Arbuckle to maintain a dam across Barhan stream in Burnett county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to maintain dam.

SECTION 1. John Arbuckle his heirs and assigns, are hereby authorized to erect, maintain, and keep up a dam across the Barhan stream, at a point on the northeast quarter of section 30, of town 38, north, range 14 west, in Burnett county: *provided*, that such dam shall not raise the water to exceed ten feet.

Suitable slides to be built.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam for running logs, lumber and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be built and kept in repair, in such manner as to be shut or opened, as the case may require, to flood said logs, lumber or timber.

Term of grant.

SECTION 3. The aforesaid person, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years.

Authority to collect toll.

SECTION 4. When the aforesaid person, his heirs or assigns, shall have completed the said dam, as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber or lumber passing over such slides, and of all logs, lumber or timber coming into the north fork of Clam river above the section line running between sections 15 and 16, in town 38 north, range 15 west, which may be driven by aid of said dam, as a compensation for keeping up and maintaining said dam the sum of ten cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods; and the aforesaid Arbuckle, his heirs and assigns, shall have a lien on all logs, lumber or timber run over said dam or driven by aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as

the lien of laborers on logs; *provided*, that the said Arbuckle, his heirs or assigns, shall at all times comply with the provisions of section 2 of this act.

SECTION 5. The control of said dam, the slides and gates, shall belong to the said Arbuckle, his heirs and assigns, but subject always to the provisions of section 2 of this act. Control of dam

SECTION 6. Nothing in this act shall be so construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August or September, in each year, but the gates of said dam shall remain open during the said months, and the waters of the said Barhan stream shall flow free and unobstructed through said dam during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 253.

[Published March 29, 1876.]

AN ACT (*for an act*) to provide for the support of the poor of Milwaukee county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of Milwaukee county shall at their annual meeting in November 1876, and annually thereafter at the annual meeting in November, elect three superintendents of poor for said Milwaukee county, one of whom shall be stationed at the poor office in the city of Milwaukee, one at the poor house, and the other at the hospital, who shall be a physician, and who shall reside at said hospital; and render all necessary medical aid and attendance to the inmates of said hospital and poor house, on the county farm, in the town of Wauwatosa, in said county of Milwaukee, each of said superintendents to be elected for and during the term of one year from the first Monday of January next, succeeding the date of his election, unless sooner removed, as herein provided. Superintendents of poor.

Superintendents to give bonds.

SECTION 2. Each person elected superintendent of poor of Milwaukee county, pursuant to section 1, of this act, shall within twenty days after notice of his election, and before entering upon the duties of his office, execute to the treasurer of the county of Milwaukee, his bond, with two or more sureties, to be approved by the county board of supervisors of Milwaukee county in the penal sum of five thousand dollars, which bond so approved, shall be filed with the county clerk of Milwaukee county; such bond shall be conditioned in substance, that he will faithfully and properly perform all the duties of county superintendent of the poor of Milwaukee county, and will pay over and disburse according to law all moneys that shall come to his hands as such superintendent, and that he will render a just and true account thereof whenever required by the county board of supervisors or by any provisions of law, and will deliver to his successor, or to the person or persons authorized by law to receive the same, all moneys, books, papers and all other things and property appertaining or belonging to his said office.

Salaries of superintendents.

SECTION 3. The county board of supervisors of Milwaukee county, at its annual meeting in November, 1876, shall, before electing the superintendents at that meeting, fix the salary of each as follows: The superintendent at the poor office in the city of Milwaukee, not exceeding the sum of one thousand dollars; the superintendent at the county poor house, not exceeding the sum of eight hundred dollars, and the superintendent at the county hospital, not exceeding the sum of one thousand two hundred dollars, and at that meeting and at each annual meeting in November thereafter, shall fix the salaries of the superintendents of poor to be elected the next succeeding year, not exceeding the sums respectively in this section named.

Removals and vacancies.

SECTION 4. The county board of supervisors of Milwaukee county is hereby authorized and empowered, at any regular meeting, to remove any or all of the superintendents of poor, elected under and pursuant to the provisions of this act, and to fill any vacancy that may occur by the removal or other cause of any such superintendents.

County board to make regulations for support of poor and for gov-

SECTION 5. The county board of supervisors of said county is hereby empowered at any regular meeting thereof, to make such by-laws and adopt such rules and regulations not inconsistent with the laws of this

state, and with this act, for the support and maintenance of the poor of said county, and for the conduct and duties of the superintendents elected under and by virtue of this act and to employ such assistants for said superintendents as it shall deem necessary and proper, and for the best interests of said county. ernment of superintendents.

SECTION 6. Chapter 509, of the private and local laws of 1868, entitled, "An act to provide for the support of the poor of the county of Milwaukee," is hereby repealed; *provided, however*, that the superintendent of the poor elected, and his assistants appointed under and by virtue of said chapter 509, of the private and local laws of 1868, shall hold their offices respectively, until the first Monday of January, 1877, unless sooner removed, pursuant to law; and all acts and parts of acts, repealed by said chapter 509, of the private and local laws of 1868, except so far as they contravene the provisions of this act are hereby revised, reinstated and declared to be in full force in the said county of Milwaukee. Repealed. Re-enacted.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 254.

[Published March 28, 1876.]

AN ACT to establish lumber district number twelve, in the State of Wisconsin.

*The people of the State of Wisconsin represented in senate and assembly, do enact as follows:*

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs in this state, the Wolf river and its tributaries, and the Fox river above lake Winnebago, are hereby created and constituted a lumber district, to be known and called lumber district number twelve. Organization of lumber district No. twelve.

SECTION 2. Said lumber district number twelve shall be subject to the provisions of chapter one hundred and sixty-seven, of the general laws of 1864, entitled, "An act to establish lumber districts in this District subject to provisions of chap. 167, G. L. 1874.

state, and to regulate the traffic in logs, lumber, and timber, in said districts," approved March eighteenth, 1864, except sections seven, ten and twelve of said act, the provisions of which shall not apply to said lumber district number twelve.

Fees of lumber inspector.

SECTION 3. The lumber inspector shall be entitled to receive, and may sue, and collect the sum of four cents per thousand feet for surveying or scaling and making out survey bills for all logs that he is called upon to survey or scale, and the sum of ten cents per thousand feet, running measure, for measuring square timber, and the sum of twelve cents per thousand for sawed lumber, including bills.

Traveling fees.

SECTION 4. The lumber inspector shall be entitled to a reasonable compensation as traveling fees, whenever he shall travel more than three miles for the purpose of surveying any lot of logs or timber.

Were office to be kept.

SECTION 5. The inspector of said lumber district number twelve, shall keep his office at the city of Oshkosh, in the county of Winnebago.

SECTION 6. All acts or parts of acts, conflicting with any of the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 255.

[Published March 28, 1876.]

AN ACT to legalize the acts of the commissioners appointed by chapter one hundred and four (104), of the laws of 1874, entitled, "An act to lay out and establish a state road from the village of Woodstock, Richland county, Wisconsin, via the village of Debello, Vernon county, Wisconsin, to Wonewoc, Juneau county, Wisconsin."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The acts of the commissioners as appointed by chapter one hundred and four (104), of the laws of 1874, to lay out and establish a state road from the village of Woodstock, Richland county, Wisconsin, via Debello, Vernon county, Wisconsin, to Wonewoc, Juneau county, Wisconsin, are hereby legalized,

except so far as relates to the town of Woodland, Sauk county, Wisconsin.

SECTION 2. This act shall take effect and be in force on and after its passage.

Approved March 10, 1876.

## CHAPTER 256.

[Published March 28, 1876.]

AN ACT to repeal chapter one hundred and seventy-five (175), of the laws of Wisconsin [of] 1875, entitled, "An act to authorize the county board of supervisors of Milwaukee county to increase the salary of the district attorney of said county, for the term commencing the fourth day of January, 1875, to enable him to employ an assistant."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter one hundred and seventy-five (175) of the laws of Wisconsin [of] 1875, an act to authorize the county board of supervisors of Milwaukee county to increase the salary of the district attorney of said county, for the term commencing the fourth day of January, 1875, to enable him to employ an assistant, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 257.

[Published March 28, 1876.]

AN ACT to regulate the practice of pharmacy and the sale of poisons, and to prevent adulterations of drugs and medicinal preparations in the city of Milwaukee.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That it shall be unlawful, in the city of Milwaukee, for any person, unless a registered pharmacist, or registered assistant pharmacist, within the meaning of this act, except as an aid or apprentice, Only registered pharmacists and assistants to dispense poisons.

under the immediate supervision of a registered pharmacist, or a registered assistant pharmacist, to retail, compound or dispense medicines or poisons, except as hereinafter provided.

Who may be registered.

SECTION 2. Any person, in order to be registered in the meaning of this act, must be either a graduate in pharmacy, a practicing pharmacist, or a practicing assistant pharmacist.

Graduates in pharmacy.

SECTION 3. Graduates in pharmacy must be such as have had three years' experience in a store where the prescriptions of medical practitioners are compounded, and to have obtained a satisfactory diploma or credentials of their attainments from a regularly incorporated college or school of pharmacy either of the United States or of a foreign country, and the degree of which shall be "graduate in pharmacy." Practicing pharmacists, in the meaning of this act, within this city, shall be such persons only as at or prior to the passage of this act, have kept, and continue to keep open store for the compounding and dispensing the prescriptions of medical practitioners, and for the sale of drugs and medicines. Practicing assistant pharmacists shall be such persons of not less than eighteen years of age, as at or prior to the passage of this act have been, or may be employed in the compounding of prescriptions of medical practitioners, in the store of a practicing pharmacist in this city, and shall furnish satisfactory evidence of their attainments and competency, to the board of pharmacy; and hereafter no person, except a graduate in pharmacy, within the meaning of this act, shall be qualified for registration, either as a registered pharmacist or a registered assistant pharmacist, unless he shall have had three years' experience in a store, where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the board of pharmacy, hereinafter provided.

Who to be considered practicing pharmacists and assistants,

Board of pharmacy—how to be selected.

SECTION 4. On or before the first day of August, 1876, the apothecaries of the city of Milwaukee, in a meeting, shall nominate six of the most skilled pharmacists at the time engaged in said business in said city, out of which number the mayor of the city of Milwaukee, shall, within thirty days thereafter, appoint three persons, one for one year, one for two years and one for three years, who shall constitute the board of pharmacy. Each year after, in a meeting of the registered pharmacists, two registered pharmacists shall be nominated, out of which the mayor of the

city shall appoint one for the term of three years. The members of the board shall, within thirty days after their appointment, individually, take and subscribe an oath of office faithfully and impartially to discharge the duties prescribed by this act. They shall hold office until their successors are appointed and qualified, and in case of vacancy by removal from the city, ceasing to do business as a registered pharmacist, or from any other cause, the mayor of the city shall fill such vacancies by appointment from the number of registered pharmacists of the city. The members of the board shall organize for the transaction of business within one week after their appointment and annually thereafter, by the election of one of their number as president, and one of their number to act as secretary and treasurer. The board shall meet as often thereafter as necessary, at least once every month.

Organization and meetings of board.

SECTION 5. The duties of the board of pharmacy shall be to examine all candidates presenting themselves; to direct the registration by the secretary of all persons properly qualified or entitled under this act, and to cause the prosecution of all persons violating its provisions. Pharmacists applying to the board of examination, shall pay a fee of five dollars, and upon passing a satisfactory examination, and having otherwise complied with the provisions of this act, the board shall furnish a certificate to the applicant without additional charge. From said five dollars, each of the members of the board shall be paid a compensation of one dollar for each examination. All expenses arising under this act shall be paid out of the moneys received by said board, and any surplus moneys may be used or appropriated for such purposes as the registered pharmacists of said city, in their annual meeting, may from time to time determine.

Duties of board.

Examina tion fee.

SECTION 6. The duties of the secretary and treasurer shall be to keep a book for the registration of pharmacists and assistant pharmacists at some convenient place, to be designated by the board of pharmacy, of which he shall give due notice through the public press in the city of Milwaukee, and in which shall be entered under the supervision of the board of pharmacy the names, titles, qualification and places of business of all coming under the provisions of this act; and it shall be the duty of all such persons to see that they are registered within a period of thirty days after the organization of the board of

Duties of secretary and treasurer.

Registration fees.

pharmacy. The fee to be paid to the board for the registration of graduates, practicing pharmacists, and assistant pharmacists, under this act, without examination, shall be one dollar; and it shall be the duty of every person registered to have his registration renewed every year, the fee for which shall be fifty cents; and upon changing his place of business or engagement, to notify the secretary within thirty days. The secretary shall be paid a compensation for each first registration fifty cents, and for each renewal twenty-five cents, out of the moneys received for registrations. The secretary shall make all necessary alterations in the register, and notify all persons who shall not have renewed their registration to do so within thirty days, for which services the party notified shall pay a fee of fifty cents to the board, and in case no answer is received before the expiration of such notice, the name of the party so notified shall be erased, unless an excuse satisfactory to the board be presented; *provided, always*, that the said name shall be restored only on payment of five dollars to the board within one year. The secretary shall receive all moneys belonging to the board, and give receipts therefor. He shall disburse the moneys under the direction of the board; shall keep an accurate account, which shall always be subject to the inspection of the board; he shall give good and sufficient bonds, payable to the board of pharmacy, for the faithful performance of his trust, which shall be satisfactory to, and approved by the board of pharmacy. He shall also report annually to the mayor of the city upon the conditions of pharmacy, together with the names of all registered pharmacists and assistant pharmacists duly registered under this act.

Penalty for violation of act.

SECTION 7. Any person not a registered pharmacist, who shall, thirty days after said board is organized, keep open shop for retailing or dispensing of drugs, medicines and poisons, or who shall use the title of registered pharmacist or registered assistant pharmacist, shall, for every such offense be deemed guilty of a misdemeanor, and on conviction, shall be liable to penalty of not less than fifty dollars nor more than two hundred dollars.

Penalty for adulteration.

SECTION 8. Any registered pharmacist who shall knowingly, intentionally, or fraudulently adulterate, or cause to be adulterated, any drugs, chemical or medicinal preparations, intended for medical purposes, shall be held guilty of a misdemeanor, and

upon conviction thereof, shall pay a penalty not exceeding five hundred dollars nor less than fifty dollars, and shall forfeit to the city of Milwaukee all the articles adulterated.

Manner in which poison shall be dispensed.

SECTION 9. From and after the first day of August, 1876, it shall be unlawful for any person in the city of Milwaukee to retail any poisons enumerated in schedules A and B, appended to this act, without distinctly labeling the bottle, box, vessel, or paper and wrapper or cover in which said poison is obtained, with the name of the article, the word "poison," and name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules A and B, to any person unless, on due inquiry, it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful for any person to sell or deliver any poison included in schedule A, without, before delivering to the buyer, making or causing to be made, an entry in a book kept for that purpose only, stating the date of the sale, the name and address of the buyer, the quantity of poison sold, the name of the poison, for what purpose, and the name of the dispenser. Said book to be kept always open for the inspection of the proper city, county and state authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of physicians' prescriptions, but all prescriptions shall be carefully filed by the pharmacist and numbered in the order in which they are dispensed; said prescriptions must be preserved at least five years, and a copy must be furnished by the phamacist if demanded by either the writer or the purchaser, for which copy no fee shall be exacted.

Physicians' prescriptions.

Act not applicable to practitioner of medicine.

SECTION 10. Nothing in this act shall apply to or in any manner whatever interfere with, the business of any practitioner of medicine, who does not keep open shop for the retailing, dispensing or compounding of medicines and poisons, nor prevent them from administering or supplying their patients such articles as may seem to them fit and proper; nor shall it interfere with the business of wholesale dealers of drugs and chemicals, in sales to retailers and physicians, or for use in the arts, nor with the making and dealing in proprietary remedies, popularly called patent medicines, nor shall the provisions of this act apply to practicing homœopathic physicians who do not keep

Schedules of poison.

a retail apothecary store. Sehedule A. Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, bin-iodide of mercury, iodide of potassium, hydroeganic acid, strychnia. Schedule B. All poisonous vegetable alkaloids and their salts, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ingot, cotton root, cantharides, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate zinc, sugar lead, mineral acids, carbolic acid, oxalic acid, opium and its preparations, except paregoric and all preparations of opium containing less than two grains to the ounce.

When act to take effect.

SECTION 11. This act shall take effect and be in force from and after the first day of August A. D. 1876, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 10, 1876.

## CHAPTER 258.

[Published March 31, 1876.]

AN ACT to amend section one (1), of chapter one hundred and two (102), of the general laws of 1868, relating to tree-belts, and for the protection thereof.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one (1), of chapter one hundred and two (102), of the general laws of 1868, is hereby amended by striking out of said section, after the word "who" in the second line, the words "shall reserve from the natural growth or," so that said section one (1) shall read as follows: "Section 1. Every land owner or possessor of five acres of land or more, who shall successfully grow by planting, not to exceed one-fifth part thereof, in forest trees, in the form of tree-belts, as hereinafter described, shall be entitled to have the land on which such trees grow, exempted from taxation from the time the said trees commence to grow, if planted by the owner, until the trees shall reach the height of twelve feet. Whenever the trees shall have attained the height of twelve (12) feet he shall be entitled to receive an annual bounty of two

Tree belts—land exempt from taxation.

(2) dollars per acre, for each acre so planted or grown as a tree-belt, which bounty shall be allowed him as hereinafter provided; and the certificate therefor shall be received by the collector of taxes assessed on the entire land of which the tree-belt forms a part, as so much cash."

SECTION 2. All acts or parts of acts inconsistent with, or contravening the provisions of this act, are hereby repealed. Repeal of conflicting acts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 259.

[Published March 28, 1876.]

AN ACT relating to and amendatory of chapter one hundred and forty (140), of the private and local laws of 1872, entitled, "An act to amend chapter four hundred and seventy-four (474), of the private and local laws of 1866, entitled, 'an act to reduce the act incorporating the city of Janesville,'" and the several acts amendatory thereof into one act, and amend the same.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five (5), of chapter one hundred and forty (140), of the private and local laws of 1872, entitled, "An act to amend chapter four hundred and seventy-four (474), of the private and local laws of 1866, entitled, 'an act to reduce the act incorporating the city of Janesville,'" and the several acts amendatory thereof into one act, and amend the same, is hereby amended by striking out the word "fifteen" in the fourth line thereof, and inserting in its stead the word "eighteen," so that said section when so amended shall read as follows: Section five (5). Subdivision five (5), of section one (1), of chapter five (5), of said act, as amended, is hereby amended so as to read as follows: Second, to annually levy and collect a school tax not exceeding eighteen thousand dollars ($18,000), on all real and personal property in said city, to meet the expenses of repairing and furnishing school houses, and supporting and maintaining schools, which shall constitute a part of the school fund. Amended. Levy of school tax.

Amended.

SECTION 2. Section seventeen (17), of said chapter one hundred and forty (140), is hereby amended by striking out and repealing the subdivision of said section seventeen (17), known as section four (4), and inserting in lieu thereof, the following: Section four (4). There shall be a meeting of the members of said company on the third Monday of March in each year, at such place as shall be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer, one first assistant engineer, and one second assistant engineer, and the common council may thereupon appoint the persons so recommended as aforesaid, and the officers so appointed shall continue in said offices one year, and until the appointment and qualification of their successors. The chief and assistant engineers shall annually, before they enter on the duties of their respective offices, execute to the city of Janesville a bond in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their offices, and account for all property received by them as such officers, which bonds with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

Appointment of engineers.

SECTION 3. This act shall be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 260.

[Published March 28, 1876.]

AN ACT to amend an act entitled, "An act to revise and consolidate an act entitled, 'an act to incorporate the Wisconsin Valley Railroad Company, and the various acts amendatory thereto," approved March 16, 1871.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section eight (8), of chapter three hundred and thirty-eight (338), of the private and local laws of 1871, is hereby amended by adding thereto the following: "And said company shall have power to extend, construct, operate and maintain its said road from the village (now city) of Wausau, in the

county of Marathon to the town of Jenny in the county of Lincoln, and from its present southern terminus in or near the village of Tomah, in the county of Monroe, by what it shall deem the best and most feasible route to the Mississippi river in or near the city of La Crosse, and exercise in and for the construction and use of the extension of its road hereby authorized, and in acquiring the right of way therefor, all the powers, rights and franchises granted to said company by said chapter, in reference to the construction and use of that portion of its road which has been already constructed from Tomah to Wausau, and all the additional powers, rights, privileges or franchises conferred upon railroad companies or corporations created or formed by or under chapter 119, laws of 1872, or the acts amendatory thereof.

Authority to extend road.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 261.

[Published March 28, 1876.]

AN ACT to amend chapter two hundred and sixty-two (262), of the private and local laws of 1869, entitled, "An act to incorporate the Mishicott Schuetzen Gesellschaft."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1), of chapter two hundred and sixty-two, of the private and local laws of 1869, is hereby amended to read as follows: Louis Kohuke, Hans Beyer, Julius Tuistedt, Christian Selk, Peter Raw, William Tisch, Frederick Halberg, and their associates and successsors are hereby constituted and created a body politic and corporate by the name of the Mishicott Schuetzen Gesellschaft and Sangerbund, for the purpose of improving in the use of firearms, cultivating the faculties of the body and the mind, and for other and similar purposes, and shall have the privileges, franchises and immunities incident to incorporation. They shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and

Amended.

General powers of corporation.

places, both of law and equity, and of purchasing, holding, using, leasing, and conveying property, real and personal, so far as the same may be necessary or proper to carry out or fulfill the object of their association, not exceeding the sum of ten thousand dollars ($10,000) and for the good government of the same. They may have a common seal and alter and change the same at pleasure.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 262.

[Published March 28, 1876.]

AN ACT to amend section five, chapter four hundred and four, private and local laws of 1869, entitled, "An act to amend chapter two hundred and sixty-seven, of the private and local laws of 1858, entitled, 'an act to incorporate the city of Stevens Point.'"

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Election of street commissioner.

SECTION 1. At the annual charter election in said city of Stevens Point, in each year hereafter, there shall be elected by the qualified electors in each ward of said city a street commissioner for such ward, who shall hold his office for the term of one year, and until his successor is elected and qualified, and within ten days after notice of his election, such street commissioner shall take and subscribe an oath of office, and file with the city clerk such oath and a bond in double the amount of tax to be collected, with two sureties, to be approved by the mayor or city clerk, and conditioned for the faithful performance of the duties of his office.

Duties of commissioner.

SECTION 2. Within twenty days after such street commissioner shall file his bond and oath of office, he shall make out and file with the city clerk a list of the names of all persons in his ward liable to pay poll or other road tax, and his further duties, the collecting and working the road or street tax, adding other names and tax to said list, returning delinquent list, making yearly report, and his liability for neglect of duties shall be, except as herein provided, or as may be provided by ordinance of the common council, the

same as those of overseers of highways in towns as provided by statute.

SECTION 3. The city clerk shall make out and deliver to the street commissioner in each ward, a list of the names of all persons and corporations liable to pay highway or street taxes in each ward, which list shall also contain a statement of all the taxable personal property, and description of all lots or parcels of land, within each such ward, with the value of such lot or parcel set opposite to such description, as the same shall appear on the last assessment roll for said city, together with the amount of tax charged to each respectively; and shall attach thereto a warrant signed by him in form, and to the effect required by law, in cases of warrants issued to overseers of highways in the several towns. City clerk to make tax list.

SECTION 4. The delinquent tax on real estate shall be put into the next assessment roll, and collected the same as other city taxes are collected, and when collected shall be paid over to such street cemmissioner. Delinquent tax on real estate.

SECTION 5. Chapter four hundred and four of the private and local laws for the year 1869, entitled, "An act to amend chapter two hundred and sixty-seven of the private and local laws of 1858, entitled, 'an act to incorporate the city of Stevens Point,' " and all laws inconsistent with this act are hereby repealed. Repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 263.

[Published March 28, 1876.]

AN ACT to amend section four (4), of chapter one hundred and fifty-four (154), of the general laws of 1874, entitled, "An act to authorize Daniel E. Tewksbury to maintain a dam or dams on the north fork of Clam river, in Barron county."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four (4), of chapter one hundred and fifty-four (154), of the general laws of 1874, is hereby amended by writing the word "of," after the word owners, in the fifth line; by striking out the words "above specified," where they occur in the Amended.

thirteenth line, by inserting after the word "dams," where it occurs in the thirteenth line, the following words, "or driven by the aid thereof," by inserting the word "fully," after the word "be," in the fourteenth line; by inserting after the word "paid," in the fourteenth line, the following words, "which said lien may be enforced in the same manner as the lien of laborers on logs," so that said section will read as follows: "Section four (4). When the aforesaid Tewksbury, his heirs or asssigns, shall have completed the said dam or dams, as aforesaid, the said Tewksbury, his heirs or assigns, are hereby authorized and empowered to receive and collect from the owners of all lumber, timber and logs passing over such slide or driven by the aid of such dams, as a compensation for keeping up and maintaining such dam or dams, the sum of fifteen cents per thousand feet, board measure, the amount to be ascertained by scale on landings in the woods; and the afore-said Tewksbury, his heirs and assigns, shall have a lien on all logs, timber and lumber run over said dam or dams, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs; *provided*, that the said Tewksbury, his heirs and assigns, shall at all times comply with the provisions of section two (2) of this act.

Authority to collect toll.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 264.

[Published March 28, 1876.]

AN ACT to amend chapter two hundred and twenty-six (226), of the laws of 1874, entitled, "An act to legalize certain acts and proceedings relating to street improvements in the city of Janesville."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter two hundred and twenty-six (226), of the laws of 1874, entitled, "An act to legalize certain acts and proceedings relating to street improvements in the city of Janesville," is hereby

amended by adding thereto the following section, which shall be section three (3) of said chapter: All proceedings, including recommendations, orders, specifications and contracts heretofore made and taken, and all assessments and special assessments made by the common council of the city of Janesville, in the matter of macadamizing, curbing, paving, excavating and graveling North Main street in said city, are hereby legalized and shall be deemed, treated and held valid in all courts and places. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

## CHAPTER 265.

[Published March 28, 1876.]

AN ACT to amend section one (1), of chapter three hundred and twenty-six (326), of the laws of 1875, entitled, "An act to authorize Roberts & Whelen to maintain dams upon Black river."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 2. Section one (1), of chapter three hundred and twenty-six (326), laws of 1875, entitled, "An act to authorize Roberts & Whelen to maintain dams upon Black river," is hereby amended so as to read as follows: Section one (1). McCartney & Whelen, successors to Roberts & Whelen, their heirs and assigns, are hereby authorized and empowered to erect, construct and maintain dams and wing dams across Black river, at the following points, viz: Dam number one (1), on section fourteen (14), town thirty-two (32), north of range one (1) east, with a flowage on said section fourteen, and section eleven (11), in said town and range. Dam number two (2), on section fifteen (15), town thirty-two (32), range one (1) east, with a flowage on said section fifteen and section fourteen (14), in said town and range. Dam number three (3), on section fourteen (14), town thirty-two (32), range one (1) east, with a flowage on said section fourteen. Dam number four (4), on section thirty-four (34), town thirty-two (32), range one (1) Amended. Authority to construct dams

east, with a flowage on said section thirty-four (34) and section twenty-seven (27), in said town and range. Dam number five (5), on section twenty-one (21), town thirty-one (31), range one (1) east, with a flowage on said section twenty-one (21) and section sixteen (16), in said town and range; and dam number six (6), on section twenty-seven (27), town thirty-one (31), range one (1) east, with a flowage on said section twenty-seven (27), all in Taylor county, Wisconsin, for the purpose of improving said river for running logs, and all other purposes to which said dams may be applied; *provided, however*, that nothing in this bill shall be construed to authorize the erection or building of a dam or dams which shall endanger or interfere with the road bed of the Wisconsin Central Railroad Company, or put said company to any trouble or expense in order to protect any of their property from damages threatened by the erection of said dam or dams.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 266.

[Published March 31, 1876.]

AN ACT to amend section nineteen (19), of chapter sixty-seven (67), of the revised statutes, entitled, "Of cemetery associations and town cemeteries."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

When town cemetery becomes embraced within city limits, same to be under control of city.

SECTION 1. Section nineteen (19), of chapter sixty-seven (67), of the revised statutes, entitled, "Of cemetery associations and town cemeteries," is hereby amended by adding thereto the following: *Provided*, that whenever any such town cemetery is, or shall become embraced within the limits of any incorporated city, the duties and powers of the board of supervisors of such town, relating to such cemetery, shall be conferred upon, and shall be discharged and exercised by the common council of such city, and in such case deeds of lots shall be executed by the mayor of such city, in the name of the town, and

be attested by the city clerk; *provided, further*, that nothing herein contained shall change or impair the rights of burial in such cemetery.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 267.

[Published March 31, 1876.]

AN ACT to amend and combine sections twenty-nine (29) and thirty (30), of chapter twenty-eight (28), of the revised statutes of 1858, entitled, "Of school and other lands."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections twenty-nine (29) and thirty (30), of chapter twenty-eight (28), of the revised statutes of 1858, shall be combined and amended so as to read as follows: "Every purchaser of any lot or tract of land, at a sale made by the commissioners aforesaid, shall pay the amount of the purchase money and interest required by the terms of the sale, to be paid in hand, immediately after the land shall be bid off by him, and if such purchaser shall refuse or neglect to pay immediately for the land so bid off by him, the land shall be again offered for sale, and the purchaser shall, for his refusal or neglect to pay as aforesaid, forfeit the sum of twenty-five (25) dollars, which the commissioners shall, in the name of the state, cause to be immediately sued for and collected, and when collected, the sum so forfeited and collected shall be credited to the fund or the income of the fund that the land so bid off belonged [to].

Amended.

Purchase money to be paid in hand.

Penalty for non-payment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 268.

[Published March 30, 1876.]

AN ACT to amend chapter one hundred and sixty-four, of the laws of 1873, entitled, "An act to incorporate the city of 'Fort Howard,'" approved March 14, 1873.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. That section three, of chapter one, of said act is hereby amended so as to read: The said city shall be divided into six wards, as follows, to-wit: All that part of said city lying north of Dousman's claim shall be known and constitute the first ward. All that part of said city lying between the north line of private claim number one, and the north line of Dousman's claim shall be called and known as the second ward; all that part of said city lying between Callahan north line and the north line of private claim number one, shall be called and known as the third ward; all that part of said city lying between Callahan's north line on the north, and the south line of Arndt's first addition to "Fort Howard," and the south line of the vacant strip on the south, shall be called and known as the fourth ward; all that part of said city between the south line of Arndt's first addition to Fort Howard and the south line of the vacant strip on the north, and the north line of private claim number four on the south, shall be called and known as the fifth ward; and all that part of said city lying between the north line of private claim number four, and the center line of private claim number thirteen, shall be called and known as the sixth ward.

Ward boundaries.

Elective officers.

SECTION 2. The first paragraph in section two, of chapter two of said act shall be so amended as to read: The elective officers of said city shall be a mayor, treasurer, assessor, and the president of the council for the city at large, one alderman and one county supervisor for each ward, one justice of the peace and one constable, for the first and second wards, one justice and one constable for the third and fourth wards, and one justice of the peace and one constable for the fifth and sixth wards; the mayor, president, aldermen, supervisors, treasurer, assessor and constable to hold their respective offices for one year, justices of the peace to hold their offices two years; no election of justices of the peace to be held in 1876.

SECTION 3. Section one of chapter seven of said act shall be amended so as to read: The common council shall elect by ballot a suitable person as street superintendent. He shall, before entering upon the duties of his office, take and subscribe the usual oath of office, and enter into bonds to the city of "Fort Howard," in such sum as the common council may direct, for the faithful performance of his duties. It shall be his duty to see that all the ordinances of the city relating to the obstruction of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the river and sloughs in said city are duly observed and kept, and to control the persons employed therein; he shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking and repairing of streets, bridges, alleys, public grounds, reservoirs and gutters; unless the common council should direct otherwise, he shall be under the absolute control of the common council and may be removed at the pleasure of said council. He shall receive such compensation as the council may determine, and he shall have no interest directly or indirectly in any contract for streets, bridges, alleys, sidewalks, public grounds, reservoirs or gutters within the city. Street superintendent—his powers and duties.

SECTION 4. No change shall be made in the formation of boards of education or health, but the same shall be and remain as they now are provided for under the charter to which this is amendatory. No change in boards of education and health.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

## CHAPTER 269.

[Published March 28, 1876.]

AN ACT to amend chapter one hundred and fifty-eight, of the private and local laws for the year 1859, entitled, "An act to establish a code of procedure for the police court of the city of Stevens Point."

*The people of the State of Wisconsin, represented in senate and assemblg, do enact as follows:*

SECTION 1. Section five, of said chapter one hundred and fifty-eight, is hereby amended by adding at Amended.

Power of police court to sentence to labor.

the end of said section, the following: *Provided*, that the said police court may, in rendering judgment against such defendant, for any such fine, penalty, or forfeiture, sentence such defendant, in case such fine, penalty, or forfeiture, and costs of suit are not paid within twenty-four hours thereafter, where the offense or crime of which the party is found guilty, is also punishable under or by the general laws of the state, to hard labor upon the streets or other places within the limits of said city, not to exceed thirty days in any one case, and shall thereupon issue a warrant from said court, directed to the marshal of said city, commanding him to take charge and custody of said defendant, and cause him to perform said labor, and at the end of said time to return said warrant to said court, with his return as to the execution thereof endorsed thereon, and upon the receipt of said warrant, said marshal shall cause the same to be executed as therein required, and shall make his return thereto as required by this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 270.

[Published March 31, 1876.]

AN ACT to amend chapter sixty-seven, of the revised statutes, relating to cemetery associations and town cemeteries.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section six of chapter sixty-seven of the revised statutes is hereby amended by adding thereto as follows: Said trustees shall also have full power and control over said cemetery, and may take such measures as they may from time to time think proper, relative to beautifying and adorning said cemetery by the planting of trees, shrubs and flowers, and no owner or agent of any lot or lots in said cemetery shall plant any such trees or shrubs or erect any fences except in compliance with such rules, regulations and orders as said trustees may from time to time prescribe; and said trustees shall have full power and

Power of trustees in improving cemetery grounds.

authority to require any lot owner or occupant of any lot or lots upon which any such trees or shrubs may have been planted, or any such fences may have been erected, to remove, re-arrange, rebuild or repair the same in compliance with such rules, regulations and orders as they may, from time to time prescribe, and in case such owner or occupant shall refuse or neglect to comply with any such rule, regulation or order as said trustees may at any time prescribe, then and in every such case, said trustees may cause any such trees, shrubs or fences to be removed, re-arranged, rebuilt or repaired as the case may be.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

---

## CHAPTER 271.

[Published March 22, 1876.]

AN ACT to amend chapter two hundred and fifty-four (254), of the private and local laws of 1868, entitled, "An act to revise, consolidate and amend the act to incorporate the city of Sheboygan, and the several acts amendatory thereof, and to repeal chapter ninety-four (94), of the private and local laws of 1856, entitled, 'an act to establish a code of procedure for the police court of the city of Sheboygan, approved March 1, 1856.' "

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Section 1. Section two (2), of sub-chapter one (1), of chapter two hundred and fifty-four (254), of the private and local laws of 1868, aforesaid, is hereby amended to read as follows: Section 2. The city of Sheboygan shall be and the same is hereby divided into five wards, as follows: All that part or district of said city which lies east of Eighth street and north of a line beginning on the shore of Lake Michigan, at a point where the east and west quarter-line of section twenty-three (23), township fifteen north, of range twenty-three (23) east, intersects said lake, running thence west on said quarter-line to the center of Sixth (6th) street, thence south to a point opposite the alley which extends through block number three hundred and seven (307), thence west along the center line of said alley to the center of Eighth street,

Amended—ward boundaries.

First ward.

Fourth ward.

shall remain and be the first ward. All that district or part of said city which lies westerly of said Eighth street and north of a line beginning in the center of Eighth street, opposite the center of the alley in block number one hundred and twenty-seven (127), thence west along the center of said alley, as extended, to the center of Water street, thence along the center of Water street, southerly, to the center of Wisconsin street, thence west on a line to the center of said Wisconsin street to the middle of the Sheboygan river, thence following up the river, along the middle of the channel, around the north bend of the same, to the point where the west line of said city crosses

Second ward.

or intersects the river, shall be the fourth ward. All that part of said city which lies south of so much of said south line or boundary of the said first and fourth wards as extends between the river on the west, where it is first crossed by Wisconsin street, and Lake Michigan on the east, and which lies northerly of that portion of the channel of the Sheboygan river which extends from the mouth or harbor entrance up to the said point where Wisconsin street first intersects or crosses said river, shall be and re-

Third ward.

main the second ward. All that district or part of said city south of said Sheboygan river, and south of Virginia street, upon the said south side, which lies east of a line commencing in the common center of Virginia and Buck streets, and running south upon a line with the center of Buck street, [through] "Raab and Meyer's addition," to the south line of the city, shall be the third ward. All that district or

Fifth ward.

part of said city south of the Sheboygan river, which lies north of Virginia street, and that part which lies west of the said west line of the said third ward, shall constitute and be the fifth ward; *provided, however*, that the said third ward shall have the right and privileges at all times of the free use of the dirt and gravel in streets of which the grade has been established in said fifth ward hereby created.

Inspectors of election.

SECTION 2. It shall be the duty of the common council before the annual charter election for 1876, to appoint three electors, resident in said fifth ward, to be inspectors of such election for said fifth ward.

General powers of council.

SECTION 3. Subdivision ten (10) of section five (5), of sub-chapter six (6) of said chapter two hundred and fifty-four (254), is hereby amended so as to read as follows: To license and regulate coachmen, runners, porters, owners and drivers of hacks, cabs, trucks,

drays, omnibuses and stages, and all carriages or vehicles used for the transportation of passengers or merchandise or articles of any kind, and to fix the rates to be paid to or by them; to license and regulate all hawkers, peddlers, common criers, auctioneers or other persons, and to establish rates or fees to be paid by such persons, not actual residents of the city of Sheboygan, who shall endeavor to procure or make the sale of goods, wares or merchandise of any kind, excepting agricultural products or provisions, or articles manufactured entirely in this state, by traveling from house to house, or from place to place, in said city, or by offering the same for sale from temporary stands or places in said city; and to prohibit traffic by such persons until licensed therefor by said city; and to provide and enforce suitable penalties for violations of ordinances or regulations made thereupon. Ordinances and regulations heretofore passed, and acts thereunder, are hereby legalized and declared of full force and virtue.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1876.

---

## CHAPTER 272.

[Published March 28, 1876.]

AN ACT to permit school districts in Marathon county to be divided, and new districts formed.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for any school district in Marathon county, containing seventy-two square miles or over, to be divided whenever a majority of the voters of such district, shall, at any regular or special meeting, vote for such division, notwithstanding such district may be indebted to the state for loan of the trust fund, authorized by chapter forty-two (42), of the general laws of the State of Wisconsin for the year 1871; *provided, however*, that the new district so set off, shall be required to assume and pay off its proportionate share of such indebtedness to the state, and shall be entitled to its propor-

School districts of 72 square miles may be divided.

tionate share of any funds or other property of the old district, attained by or through the use of the money or moneys, so obtained from said trust fund by the old district.

SECTION 2. All acts and parts of acts contrary to the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

---

## CHAPTER 273.

[Published March 21, 1876.]

AN ACT to appropriate to James Quirk the sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to James Quirk, out of any money in the treasury not otherwise appropriated, the sum of two hundred and fifty-eight dollars, with interest from September 26, A. D. 1875, for services rendered as engineer and superintendent of the work of grading and macadamizing one-half of Main, Pinckney and Mifflin streets, adjacent to and fronting the capitol, in the city of Madison, Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

---

## CHAPTER 274.

[Published March 21, 1876.]

AN ACT to appropriate to L. S. Dixon a sum of money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to L. S. Dixon, from the general fund, out of any money not

heretofore appropriated, the sum of one hundred and ninety-two dollars and thirty cents ($192.30) in full for his services and expenses as attorney in the case of the State vs. West Wisconsin Railway Company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 275.

[Published March, 23 1876.]

AN ACT to appropriate to Patrick Griffin a sum of money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Patrick Griffin from the general fund, out of any money not heretofore appropriated the sum of two hundred and ten dollars ($210), for his expenses and attorney fees in the contested election case of T. S. Hayhurst vs. Patrick Griffin, as follows: Appropriation.

| | |
|---|---|
| Sheriff, justice and witness fees..... | $110 00 |
| Attorney fees..... | 100 00 |
| Total ..... | $210 00 |

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1876.

## CHAPTER 276.

[Published April 5, 1876.]

AN ACT to appropriate to Ansley Gray a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Ansley Gray, from the general fund out of any money not

heretofore appropriated, the sum of six hundred and ninety-five, and ninety one hundredths dollars ($695.-90.100) for his services, expenses and attorney fees in the contested election case of Joseph Bennett vs. Ansley Gray, as follows:

| | | |
|---|---|---|
| Justice fees | | $27 72 |
| Sheriff's fees | | 145 95 |
| Witness fees | | 38 23 |
| Total | | $211 90 |
| Attorney fees | | 125 00 |
| Salary | $350 00 | |
| Mileage | 9 00 | |
| | | 359 00 |
| Total | | $695 90 |

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

---

## CHAPTER 277.

[Published March 15, 1876.]

AN ACT to appropriate money to the State Hospital for the Insane, for transfer of patients to the Northern Hospital, and for other purposes.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Hospital for the Insane, out of any money in the state treasury belonging to the general fund, not otherwise appropriated, to defray the expenses of removing patients to the Northern Hospital, the sum of three hundred and eighty-six dollars and thirty-two cents; to defray the funeral expenses of the late superintendent, Dr. A. S. McDill, three hundred and thirteen dollars; and to build a wood house in rear of kitchen, six hundred and fifty dollars, making in all the sum of one thousand three hundred and forty-nine dollars and thirty-two cents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 278.

[Published April 5, 1876.]

AN ACT to appropriate to J. Henry Tate a certain sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to J. Henry Tate, from the general fund, out of any money in the state treasury not otherwise appropriated, the sum of four hundred dollars, to reimburse him for moneys paid in the contested election case of R. May vs. J. Henry Tate. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 279.

[Published March 15, 1876.]

AN ACT to appropriate a sum of money therein named for the use of the Wisconsin Hospital for the Insane, for the payment of current expenses, for repairs and improvements, and for deficiency in current expense fund.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of eighty-three thousand three hundred and fifty four dollars, in full for the following purposes at the Wisconsin Hospital for the Insane, viz: for the payment of current expenses for the year ending March 1, 1877, fifty-one thousand seven hundred dollars; for repairs and improvements as asked by the trustees of the hospital, thirteen thousand two hun- Appropriation.

dred dollars; for replacing an over-draft of the current expense fund of last year, eighteen thousand four hundred and fifty-four dollars.

Money to be drawn monthly in advance.

SECTION 2. All sums appropriated by this act for current expenses shall be drawn from the treasury not oftener than monthly in advance, all other sums as needed for the purposes for which the appropriation is made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 280.

[Published March 21, 1876.]

AN ACT to appropriate a sum of money therein named for the use of the Northern Hospital for the Insane, for the payment of current expenses for the year ending March 1, 1877, and for improvements.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of one hundred and twenty-six thousand seven hundred dollars in full for the following purposes at the Northern Hospital for the Insane, viz: For the payment of current expenses for the year ending March 1, 1877, one hundred and seventeen thousand dollars; for improvements as asked by the trustees of the hospital, nine thousand seven hundred dollars.

Money to be drawn monthly in advance.

SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn from the treasury not oftener than monthly in advance. All other sums shall be drawn from the treasury when needed for the purposes for which it was appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 281.

[Published March 21, 1876.]

AN ACT to appropriate a sum of money for the purchase of books for the state library.

*The people of the State of Wisconsin represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the governor, out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars, to be expended under the direction of the governor, by the state librarian, for the purchase of law text books and reports for the state library. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

---

## CHAPTER 282.

[Published March 31, 1876.]

AN ACT relating to the powers of county boards of supervisor.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two, of chapter one hundred and fifty-two, of the laws of this state, of 1872, is hereby amended by adding to said section two the following words: *Provided*, it shall be competent for said county board of supervisors, by resolution spread upon their records, to designate or adopt such roads as county roads for the purpose only of expending such money as they may annually levy, thereby assuming no responsibility to persons or property growing out of damage claimed on account of bad condition of said roads, unless said damage is caused by the neglect or carelessness of the commissioner appointed by said county board of supervisors to expend the money so levied. Amended. Board of supervisors may adopt roads as county roads without becoming responsible for damages.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 283.

[Published April 5, 1876.]

AN ACT relating to the distribution of the senate and assembly journals and other documents

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty of supt. of public property.

SECTION 1. It is hereby made the duty of the superintendent of public property to send every year, at the expense of the state, as soon as issued, one copy each of the journal of proceedings of the senate and of the assembly, a bound volume of the governor's message and accompanying documents, and of the laws of Wisconsin for the current year, to each member of the legislature of that year, and to the lieutenant-governor, and to the sergeant-at-arms and chief clerk of each branch of said legislature.

SECTION 2. This act shall take effect and be in full force from and after its passage.

Approved March 11, 1876.

---

## CHAPTER 284.

[Published March 25, 1876.]

AN ACT relating to the supreme court.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Justices of supreme court may employ secretary.

SECTION 1. The justices of the supreme court are hereby authorized to employ a secretary to render such assistance to them in the performance of their duties as they may require, and may fix such compensation for his services as they shall deem reasonable, not exceeding one hundred dollars ($100) per month for the time actually employed, to be audited by the secretary of state, upon the written allowance of the chief justice, and paid out of any money in the treasury belonging to the general fund not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

# CHAPTER 285.

[Published March 25, 1876.]

AN ACT to authorize the building of a dam in the Wisconsin river, at the city of Portage.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to build dam.

SECTION 1. Solomon Leach, of the city of Portage, his associates, successors, and assigns, are hereby authorized and empowered to erect, keep and maintain a wing dam in Wisconsin river at the city of Portage, as high as the average low water mark in said river, the said dam to be built in the middle of the river, and extend toward the shores, and not to be built nearer than one hundred and ten feet to either shore, and so constructed as to leave a channel at either bank of the river one hundred and ten feet wide and two feet deep.

How dam to be constructed.

SECTION 2. Said dam shall be so constructed as not in any manner to obstruct the free navigation of said river at any time, within 110 feet of the shore, and not increase the flow of the mean of the current to more than eight feet per second at low water, or more than five and a half miles per hour; *provided*, that nothing herein contained shall authorize the construction of said dam, or any part thereof until the shore on the southerly side of said river, opposite the proposed dam, shall have been fully protected, so that the shore shall not be cut or washed away by the increased flow of water caused by said dam.

Not to obstruct river in high water

SECTION 3. The said dam shall be so constructed as not to obstruct the broad and natural flow of the river in high water.

Location of dam.

SECTION 4. The said dam shall not be within five hundred feet of the bridge across said river, and shall be above said bridge.

Penalty for injuring dam.

SECTION 5. The said Solomon Leach, his associates, successors and assigns, shall have the exclusive use, benefits and privileges of using the current made or obtained by said dam, for the purposes of driving current water wheels in said river, by the currents obtained by the erection and maintenance of said dam, and any person or persons who shall in any manner injure said dam shall be liable to the owner or owners thereof, in a civil action for all the damages there-

by sustained, in addition to the penalties provided by law.

SECTION 6. This act is hereby declared to be a public act, and shall take effect from and after its passage.

Approved March 11, 1876.

## CHAPTER 286.

[Published April 7, 1876.]

AN ACT to authorize the Commissioners of School and University Lands to appoint a commission to inquire into the transactions of the Sturgeon Bay and Lake Michigan Ship-Canal and Harbor Company, and to make report of the same.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Land commissioners to appoint persons to investigate acts of Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company.

SECTION 1. In case work shall not have been begun in good faith, upon said canal and harbor, on or before the first day of August, 1876, with reasonable assurance that the same will be prosecuted to completion without further delay, the Commissioners of School and University Lands are authorized and required to appoint and commission three discreet persons to inquire into the transactions of the Sturgeon Bay and Lake Michigan Ship-Canal and Harbor Company, their officers and agents, and to report to said commissioners, on or before the first day of October, 1876, said inquiry to cover such grounds and to include such matters and things as the said commissioners may direct.

Power of persons appointed in making investigation.

SECTION 2. The persons so appointed, or any one or more of them, shall have power, in any county in this state, to issue subpœnas for persons to appear and testify, and to produce papers, records and documents and to compel obedience to any such subpœna by attachment; and such subpœnas and attachments may be directed to the sheriff of any county in this state, and shall be executed by such sheriff in the same manner as such writs are executed when issued out of the circuit courts of this state; and the tender or payment of fees to such witnesses or officers shall not be necessary.

Duty of same.

SECTION 3. The persons so appointed shall make diligent inquiry into the matters committed to them,

and make report of the testimony taken by them, and a brief statement of the facts proved by such testimony, to the commissioners, on or before the 1st day of October, 1876, unless for sufficient reasons, further time be allowed by said commissioners; and the secretary of state is hereby directed to embody the results of such investigation in his next annual report.

Duty of school land commissioners and attorney general when company found in any way delinquent

SECTION 4. Upon such investigation and report being made, if it shall appear that said company has not fully complied with the provisions of section four (4), of chapter one hundred and five (105), laws of 1868, which require said company to use all due diligence in disposing of the lands conveyed to them at a fair and equitable price, and not to hold the same for speculation, or that the said company by any improper influences or means whatever, obtained more than one-quarter in value of the said grant under the authority given to convey one-quarter thereof to said company, or if it shall appear that said company is not entitled to hold the lands or any part thereof, granted to it, by reason of its failure to prosecute the work of constructing said canal, it shall be the duty of the school land commissioners and of the attorney-general of the state to take such measures and proceedings, legal or otherwise, as may be necessary to protect such fund, and the interest of the state as trustee therein or otherwise.

Compensation of persons appointed.

SECTION 5. The persons so appointed shall be allowed and paid, out of the state treasury, the sum of five dollars each per day for the time employed in such investigation, and expenses and witnesses and sheriffs shall be paid the same as for like services in circuit courts, the bill to be audited and allowed as other claims; and there is hereby appropriated out of any of said canal and harbor funds in the state treasury an amount sufficient to carry into effect the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 287.

[Published March 25, 1876.]

AN ACT to authorize John P. Jacobson to erect and maintain a dam in Burnett county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to build dam.

SECTION 1. John P. Jacobson, his heirs and assigns, are hereby authorized to erect and maintain a dam across Wood river, upon any lands owned or leased by him, in section twenty-six (26), town thirty-eight (38), range eighteen (18), in the county of Burnett; *provided*, that said dam shall not raise the water in any part of said river to a head of more than twenty inches above its natural flow; *and provided further*, that nothing herein shall be so construed as to give the said John P. Jacobson authority to flow or use the lands of any other person without just compensation therefor; *and provided further*, that said dam shall contain a suitable slide for the safe and convenient passage of rafts and logs that descend said river.

Damages for overflowing lands.

SECTION 2. Any person whose land is overflowed or otherwise injured by said dam, may obtain compensation therefor, in the manner provided in chapter 56, of the revised statutes, entitled, "Of mills and mill-dams," and the several acts amendatory thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 288.

[Published March 28, 1876.]

AN ACT to authorize the leasing of the labor of convicts confined in the Wisconsin State Prison.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of warden to lease labor of convicts.

SECTION 1. The warden of the Wisconsin State Prison is hereby authorized and empowered, by and with the advice and approval of the board of directors

of said prison, to lease the labor of such portion of the prisoners confined therein, together with such shop-room, machinery and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions, and for such length of time, not exceeding five years, as he shall deem most conducive to the interests of the state and the welfare of the prisoners.

Prison officers to have power to prevent severe or unhealthy labor of convicts.

SECTION 2. In every contract made pursuant to the authority herein conferred, there shall be reserved to the directors of said prison, and to the warden and each and every of his subordinates, full power and authority to prevent the demanding or imposition of unusual or severe labor, or labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said warden may from time to time prescribe all needful rules for the government and conduct of all contractors, their overseers and agents, in their relations to the convicts, and may require summary dismissal of any individual employed by any contractor in said prison, whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

Security to be exacted of contractors.

SECTION 3. Adeqate security shall be exacted of all contractors for the faithful performance of all the provisions of the contracts, on their part to be performed, and the directors and warden of said prison shall use their utmost endeavors to have all the terms and conditions of said contracts fully complied with on the part of the warden, but no contractor shall have or claim from the State of Wisconsin, or the warden, or from the prison or any of its funds, any damages whether by way of recoupment, set off, or otherwise, for an [or on] account of the failure or neglect of said warden to furnish to such contractor the labor of the full number of convicts specified in his contract.

Contractors not to recover damages for neglect of warden.

Board of directors empowered to make rules for guidance of warden and to cancel contracts.

SECTION 4. The board of directors of said prison are hereby empowered to make all needful rules and regulations for the guidance of the warden in the exercise of the authority herein conferred upon him, and may whenever in their judgment it is impracticable to continue to furnish the labor of convicts to any contractor, order and direct the cancellation of any contract, and thereupon, after six months notice to such contractor, all obligations of the warden under such contract shall cease and determine, and such contractor shall not have or be entitled to have any com-

pensation, whether by way of damages, set off, recoupment, or otherwise, in consequence thereof.

Reward to convicts for good behavior.

SECTION 5. Whenever any convict, by continued good behavior, diligence in labor and study, or otherwise, shall surpass the general average of convicts, he may be compensated therefor at the discretion of the directors, either in diminishing the period of his confinement or by payments in money, or both.

Warden to invite proposals by advertisement.

SECTION 6. Before entering into any contract for the leasing of convict labor, the warden shall, by public advertisement, invite sealed proposals for the hiring of such labor, shop-room, machinery and power. Such advertisement shall specify the time and place where such proposals will be opened and considered, and there shall be reserved the right to reject any or all bids that may be made.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 289.

[Pubished March 25, 1876].

AN ACT to authorize the secretary of state to order the binding of the reports of the State Board of Charities and Reform.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Binding of report of Board of Charities and Reform.

SECTION 1. The secretary of state is hereby authorized and directed to order and procure the binding, in a substantial manner, in cloth, of three hundred copies of the report of the State Board of Charities and Reform, for their use, for distribution and exchange for other similar reports, from other states and countries, for the year 1875, and the same number annually thereafter; *provided*, that the cost of such binding shall not exceed twenty-five cents per copy.

Appropriation.

SECTION 2. There is hereby appropriated out of the general fund a sufficient sum to pay for the binding of said reports of 1875, and annually thereafter.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 290.

[Published April 5, 1876.]

AN ACT to enable the boards of supervisors of the towns of Loraine and Milltown, in the county of Polk, to issue bonds to settle their present indebtedness.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for the supervisors of the towns of Milltown and Loraine, in the county of Polk, to issue bonds in such sums and on such length of time as they may deem proper, with interest not to exceed ten per cent. per annum, said bonds only to be issued in liquidation of judgment rendered against said towns prior to the 1st day of January, A. D. 1876. Authority to issue bonds.

SECTION 2. This act shall take effect on and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 291.

[Published March 25, 1876.]

AN ACT for the preservation of fish in Lake Marion, in the county of Dane.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons shall take, catch or kill any fish of any kind, in the lake known as Lake Marion, in the county of Dane, or in the waters of Black Earth creek, running into said lake, within the distance of one-half mile from said lake. Unlawful to take fish.

SECTION 2. Any person or persons convicted of violating the provisions of this act, shall be subject to a fine of not more than twenty-five dollars nor less than five dollars. Penalty for violation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, for the term of three years from the date thereof. When law to expire.

Approved March 11, 1876.

## CHAPTER 292.

[Published March 25, 1876.]

AN ACT to legalize the salary of the register of deeds of the county of Barron.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The act or acts of the county board of supervisors of Barron county, in fixing the salary of the register of deeds of said county, by resolution, at the meeting of said board of supervisors held on the 11th day of November, A. D. 1875, are hereby legalized and declared to be in full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

---

## CHAPTER 293.

[Published March 25, 1876.]

AN ACT to amend chapter one hundred and thirteen (113), of the private and local laws of 1867, and chapter four hundred and two (402), of the private and local laws of 1869, relating to the village of Shullsburg.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1, of chapter one hundred and thirteen (113), of the private and local laws of 1867, entitled, "An act to amend chapter one hundred and fifteen (115), of the private and local (general) laws of 1861, entitled, 'an act to incorporate the village of Shullsburg,'" is hereby amended by striking out all after the word "have," in said section 1, and inserting in lieu thereof as follows: "Concurrent jurisdiction with the justice of the peace provided for in chapter 319, of the general laws of 1874."

Amended.

SECTION 2. Section one of chapter four hundred and two, of the private and local laws of 1869, is hereby amended by striking out all of said section one, after the word "roads," in the last line of said section one, and inserting in lieu thereof the words, "streets, bridges, or sidewalks in said village."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 294.

[Published March 29, 1876.]

AN ACT to amend chapter 86, laws of 1872, entitled, "An act conferring jurisdiction on the county court of Dodge county."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three (3), of chapter 86, of the laws of 1872, is hereby amended so as to read as follows: The said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process, proper and necessary to carry into effect the jurisdiction given to it by this act and the laws of this state, and to carry out such jurisdiction shall have and exercise all the powers usually possessed by courts of record under the common law and in equity under the regulations imposed by statutes. The said county court shall have and possess all the powers and jurisdiction which is conferred upon the circuit court for said county relating to the satisfaction of mortgages and to all other matters over which said circuit court has jurisdiction not named and specified in the act conferring jurisdiction on said county court, and not including criminal actions. The judge of said county court shall have and possess all the powers, jurisdiction and authority in vacation which is or may be exercised by a circuit judge at chambers. The said county court and the judge of said court in vacation may appoint three court commissioners for said county of Dodge, who shall each hold his office two years from the time of his appointment, unless removed by said court or judge. Each commissioner upon being so appointed, shall take and subscribe the oath of office prescribed by law for other county officers, and such appointment and official oath shall be attached together, and filed in the office of the clerk of said county court, before said commissioner shall exercise any of the powers or duties of his said office. Every such court commission-

Amended.

Powers and jurisdiction of court.

Court commissioners.

er shall have and possess all such powers and authority in matters pending or pertaining to the county court, as court commissioners appointed by the circuit court have or possess over matters pending or pertaining to the circuit court. All orders made by any such court commissioners may be reviewed by the county court or county judge in the same manner, and in the same cases as now provided by law and the existing practice, for reviewing orders of court commissioners by the circuit court.

Amended.

SECTION 2. Section fourteen (14), of said act is hereby amended so as to read as follows: There shall be held at the county seat of said county two general terms of said court, viz: commencing on the first Tuesday in June and the first Tuesday in December in each year, which terms may be adjourned from time to time, as the judge shall order. Special terms of said court may be called by order of the judge of said court, and held at the county seat of said county; a copy of such order shall be published three successive weeks, in two newspapers published in said county, before such special term. Each of such special terms shall be a jury-term or not, as the order of the judge shall direct.

When terms to be held.

Fees of jurors.

SECTION 3. Section twenty-two (22), of said act is hereby amended so as to read as follows: The fees of jurors in said court shall be two dollars per day for each day, and one dollar for each half day, to be paid in the same manner as jurors in the circuit court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

---

## CHAPTER 295.

[Published March 31, 1876.]

AN ACT to amend chapter eighty (80), of the general laws of 1872, entitled, "An act authorizing cities and villages to establish free libraries and reading rooms."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter eighty (80), of the general laws of 1872, is hereby amended so as to read as follows:

Section 1. The city council of each incorporated city, not exceeding in population fifty thousand (50,000) inhabitants, and the board of trustees of each incorporated village, and the board of supervisors of any town containing over two thousand (2,000) inhabitants in this state, shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of such city, town or incorporated village, and may levy a tax not exceeding one mill on the dollar, on all taxable property of the city, town, or village, for such purpose, to be known as the "library fund;" *provided*, that no library shall be so established, or no tax so levied without first submitting it to a vote of the legal voters of such city, village or town.

Establishment of free libraries.

SECTION 2. When any common council, board of supervisors, or board of trustees shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city, chairman of such board of supervisors, or the president of such village shall, with the approval of the common council, board of supervisors, or board of trustees, proceed to appoint a board of nine (9) directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city council, board of supervisors, or board of trustees shall be at any one time a member of said board of directors.

Appointment of board of directors.

SECTION 3. Said directors shall hold office from their appointment, and one-third for one year, one-third for two years, and one-third for three years from the first (1st) of July of each year following their appointment, and at their first regular meeting shall cast lots for their respective terms, and annually thereafter the mayor of such city, chairman of such board of supervisors, or president of such village shall, before the first (1st) day of July of each year, or before, appoint three directors to take the place of the retiring directors, who shall hold their office for three years, and until their successors are appointed.

Terms of directors.

SECTION 4. Vacancies in the board of directors, occasioned by removal, resignation, or otherwise, shall be reported by the board to the city council, board of supervisors, or board of trustees, and be filled in like manner as original appointments, and no director shall receive any compensation as such.

Vacancies in board of directors.

SECTION 5. Said directors shall immediately after their appointment, meet and organize by the election

Organization of board of directors—pow-

ers and duties of same.

of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading rooms as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditures of all moneys collected for the library fund and the supervision, care, and custody of rooms or building constructed, leased, or set apart for the purpose; *provided*, that all moneys received for such library shall be deposited in the treasury of said city, town or village, to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, town or village, and drawn upon by the proper officers of said city, town or village, upon the properly authenticated vouchers of the library board. Said board shall have the power to occupy, lease or erect an appropriate building for the use of said library, not exceeding, from the library fund in one (1) year in building more than half the income of such year, and shall have power to appoint a suitable librarian and necessary assistant, and shall, in general, carry out the spirit and intent of this act in establishing and maintaining the best library and reading room with the means at their disposal; *provided, however*, that no purchase or lease of land or buildings, and no order or contract for the erection or construction of buildings, shall take effect without the previous approval of the mayor and common council of the city, or board of supervisors of the town, or board of trustees of the village.

Library and reading room to be free to inhabitants.

SECTION 6. Every library and reading room established under this act shall be forever free for the use of the inhabitants of the city, town or village where located, always subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish, in order to render the use of said library and reading room of the greatest benefit to the greatest number, and may exclude and cut off from the use of said library and reading room any and all persons who shall willfully violate said rules.

Board of directors to make annual report.

SECTION 7. The said board of directors shall make an annual report to the city council, town board, or board of trustees, stating the condition of their trust, the various sums of money received from the library fund, and from all other sources, and how such moneys have been expended; the number of books and

periodicals on hand; the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest.

How taxes to be collected.

SECTION 8. All taxes levied under this act shall be levied and collected in like manner with other general taxes of said city, town or village.

In whom title of donation to be vested.

SECTION 9. Any person desirous of making donations of money or real estate, for the benefit of such library shall have the right to vest the title to the money or real estate so donated in the board of directors, created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest of such property, and as to such property the said board shall be held and considered to be special trustees.

SECTION 10. This act shall take effect from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 296.

[Published March 29, 1876.]

AN ACT to amend sections one (1), two (2), and three (3), of chapter two hundred and ninety-nine (299), of the laws of Wisconsin of 1875, entitled, "An act to prescribe the duties and regulate the fees of the lumber inspector of the Fourth district."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of said chapter two hundred and ninety-nine, is hereby amended by inserting the words "or corporations," after the word "person," in said section, and by inserting after the words "Fourth district of this state," the words, "or who shall receive transfers or assignments of logs, or permits for cutting logs, or who shall have liens upon logs," so that said section when thus amended shall read as follows: Section 1. All persons or corporations who shall cut and manufacture logs and lumber in the Fourth district of this state, or who shall receive transfers or assignments of logs, or permits for

Owners of logs to file description in office of lumber inspector.

cutting logs, or who shall have labor liens upon logs, shall within thirty days thereafter file an accurate description of their several marks upon said logs and lumber, in the office of the lumber inspector of said district, and it is hereby made the duty of the lumber inspector of said district to record said marks, the description of which shall be filed in his office as aforesaid, for which he shall be entitled to receive as fees the sum of twenty cents for any mark so recorded.

Amended.

SECTION 2. Section two, of said chapter two hundred and ninety-nine, is hereby amended by adding after the word "person," the words "or officer or agent of any corporation," and by adding at the end of said section the following: "and no chartered dam company or log-driving association, or chartered log-driving company in said Fourth district shall have any right to collect tolls, either for sluicing or log-driving, unless the logs so sluiced or driven shall have been scaled by the inspector of logs and lumber of said Fourth district or by his deputies; and all logs so sluiced or driven shall be scaled below the St. Croix boom, in Lake St. Croix, and such scale shall be the basis upon which such chartered dam companies, log-driving association, and log-driving companies shall collect their tolls and fees," so that said section when so amended shall read as follows: Section 2. Any person or officer or agent of any corporation, who shall hereafter cut and manufacture logs and lumber in said Fourth district, and shall neglect or refuse to comply with the requirements of this act, in violation with filing of the descriptions of said marks, as set forth in the preceding section, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, of which offense justices of the peace shall have concurrent jurisdiction with the circuit court; and no chartered dam company or log-driving association, or chartered log-driving company, in said Fourth district, shall have any right to collect any tolls, either for sluicing or log-driving, unless the logs so sluiced, or driven, shall have been scaled by the inspector of logs and lumber of said Fourth district, or by his deputies, and all logs so sluiced or driven, shall be scaled below the St. Croix boom, in Lake St. Croix, and such scale shall be the basis upon which such chartered dam companies, log-driving association, and

Penalty for refusal to comply with requirements of this act.

Tolls not to be collected except on timber scaled by inspectors.

log-driving companies, shall collect their tolls and fees.

SECTION 3. Section 3, of said chapter two hundred and ninety-nine, is hereby amended by adding at the end thereof the following: "It shall be the duty of the inspector of logs and lumber of said Fourth lumber district, to make, or cause to be made, a full and and perfect scale of all logs cut on permits or otherwise, within the limits of his district, said scale to be made at the place where such logs were cut or landed, and the cost of such scale shall be and remain a lien upon such logs, until the same shall be paid." Amended. Duty of inspector.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 297.

[Published March 31, 1876.]

AN ACT to amend chapter one hundred and eighty-four (184), of the laws of Wisconsin, of 1875.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one, of chapter one hundred and eighty-four, of the laws of this state of 1875, entitled, "An act to amend chapter one hundred and fifty-two, of the general laws of 1869, an act to codify the laws of this state relating to highways and bridges," is hereby amended by striking out of the fourth line and the last line of said section one, the word "adjoining," so that said section one, when so amended, shall read as follows: Section 1. Any person who shall consider himself aggrieved by any determination of the commissioners appointed by a justice of the peace of any town, or the supervisors of any town, either in laying out, altering, or discontinuing, or in refusing to lay out, alter, or discontinue any highway in this state may, within thirty days after such determination, appeal therefrom and appeal to the county judge of the same county for the appointment of commissioners to whom an appeal from such a determination of the commissioners appointed by a justice of the peace of any town may be taken. Amended. Appeal to county judge.

Amended.

SECTION 2. Section two, of said chapter one hundred and eighty-four, is hereby amended by striking out of the third line of said section two, the word "adjoining," so that said section two, when so amended, shall read as follows: Section 2. Every application for an appeal from the determination of the commissioners appointed by a justice of the peace in any town shall be made in writing to such county judge, and shall briefly state the grounds upon which it is made, and whether it is brought to reverse entirely the determination of the commissioners appointed by such justice of the peace, or only to reverse a part thereof; and in the latter case it shall state what part.

Appeal to be made in writing.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 298.

AN ACT to amend chapter 171, of the private and local laws of 1868, entitled, "An act to amend chapter 30, of the private and local laws of 1853, entitled, 'an act to incorporate the Wisconsin River Improvement Company, and to amend chapter 171, of the private and local laws of 1866, amendatory thereof.' "

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section (2), of chapter 171, of the private and local laws of 1868, is hereby amended to read as follows: Section 2. The said company shall not be entitled to collect any tolls upon lumber, timber, shingles, lath, boats, scows, barges, or other vessels which shall pass over or through all or any of the improvements made by them, or their successors, or assigns, until the said company shall have, in good faith, expended the full sum of five thousand dollars upon the said improvements or some parts thereof, and when the said sum shall have been so expended, the said company shall then be authorized to establish a tariff, or rate of toll, for running the said improvements made by the said company, which shall not exceed the following rates, or amounts, between the following points, to-wit: Between the foot of Grand Rapids and Point Basse, on lumber, ten cents per thousand feet; on timber, ten cents per

When tolls may be collected.

Rate of tolls.

thousand feet; on shingles, three cents per thousand; on lath, two cents per thousand pieces; on boats, scows, or barges, over thirty feet in length, three cents per foot, lineal measure; and between the foot of Conant's Rapids and the foot of Grand Rapids, an amount, or rate, not exceeding the foregoing rate, on the same articles; and between the foot of Little Bull Falls and the foot of Conant's Rapids, an amount, or rate, not greater than the foregoing, on the same articles; and between the foot of Big Bull Falls and the foot of Little Bull Falls, an amount, or rate, not to exceed that above named, on the same articles; and between Jenny Mills and the foot of Big Bull Falls, an amount, or rate, not to exceed that above named, on the same articles; and for all logs, lumber, or timber which may be run over the improvements of said company on Grand Father Bull Falls, a toll not to exceed ten cents for each and every thousand feet so run thereover; *provided*, that the toll so levied shall be reasonable and proportioned to the benefits afforded by such improvements to the navigation of the river.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 299.

[Published March 31, 1876.]

AN ACT to amend section one (1), of chapter thirty-three (33), of the general laws of 1874, relating to permanent land-marks.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1), of chapter thirty-three (33), of the general laws of 1874, is hereby amended so as to read as follows: Section 1. The qualified electors of the several towns in this state are hereby authorized to determine by vote, at any annual town meeting hereafter to be held, or at any special town meeting which may be called for that purpose, whether they are in favor of erecting permanent land-marks at the corners of sections, and quarter stakes, or not, due notice thereof having been given as pro-

Amended.

Electors may determine by ballot whether permanent landmarks shall be established.

vided by law in case of special town meetings; and for this purpose every qualified elector may vote a separate ballot, upon which shall be written or printed, or partly written and partly printed, the following words: "For erection of permanent landmarks," or "Against erection of permanent landmarks," which ballots shall be counted and canvassed in the same manner as ballots for town officers are canvassed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 300.

[Published March 16, 1876.]

AN ACT to amend section one (1) chapter two hundred and ninety-nine (299), of the general laws of 1873, entitled, "An act to amend chapter fifty-six (56), general laws of 1870, entitled 'an act to provide for the incorporation and government of fire and inland navigation insurance companies.'"

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Amend section one (1), of chapter two hundred and ninety-nine (299), of the general laws of 1873, by striking out of said section, all between the word "salaries," where it occurs in the twenty-second (22d) line of said section, and the word "provided," where it occurs in the thirty-seventh (37th) line of said section, so that the section, when amended, shall read as follows: Section 1. Section thirty-three (33), chapter fifty-six, general laws of 1870, is hereby amended by striking out the word "incorporated," where it occurs in the thirty-fourth (34th) line as printed, so as to read as follows: Section 33. It shall be the duty of every company transacting the business of insurance under this act, to include in its annual statement, a statement showing the amount received in the state during the year for which such statement is made, in cash for premiums, in premium notes, in cash notes, and the amount received from other sources; and showing also the amount paid in this state for salaries, commissions to agents, and for losses during the same period. And each such company, be-

What annual statements of insurance companies shall show.

fore receiving a license to transact business for the current year, shall pay to the state treasurer a sum equal to two per centum of the gross cash receipts of said company in this state, including all notes taken for premiums during the year for which such statement is made; *provided*, all companies chartered or organized under the laws of this state may be allowed to deduct from such gross receipts their office expenditures, and officers' salaries; *provided*, that this act shall not be construed to prohibit cities and villages having an organized fire department, from collecting the two (2) per cent. now allowed by law on the receipts of each insurance company within their respective limits, to be applied to the support of the fire department of such cities and villages.

Per centum to be paid as state tax.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 301.

[Published March 30, 1876.]

AN ACT to require village or city authorities to construct vaults or structures for the temporary keeping of dead bodies before interment, in certain cases.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever ten freeholders and tax-payers of any incorporated village or city of over five hundred inhabitants, shall petition to the authorities of said village or city, to have a vault or structure built in its public cemetery, then it shall become the duty of said authorities to cause to be constructed, and maintain after completion thereof, a vault or structure for the purpose for the temporary keeping of dead bodies before interment, said vault or structure to be so constructed as to preserve the dead bodies placed therein as much as possible from atmospheric influences; and such vault or structure shall be located in the public cemetery grounds of such cities or villages, and be a part of the cemetery.

Cities and villages may construct vaults for preservation of dead bodies.

SECTION 2. The expenses in constructing and maintaining such vault or structure shall be paid from

How expenses to be paid.

such funds and in such manner as said authorities may direct.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 302.

[Published March 30, 1876.]

AN ACT relating to registration of electors, and amendatory of section one (1), of chapter 232, of the general laws of 1875.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter two hundred and thirty-two, of the general laws of 1875, is hereby amended by inserting between the words "villages" and "and," where they occur in the seventh line of said section, the words "and towns in which is located an incorporated village," so the said section, when amended, shall read as follows: Section 1. The provisions of chapter four hundred and forty-five (445), of the laws of 1864, entitled, "An act to guard against the abuse of the elective franchise, and to preserve the purity of elections by registration of electors," and all acts amendatory thereof and supplementary thereto, shall hereafter be applicable only to incorporated villages and cities and towns in which is located an incorporated village or city.

Registry law only applicable to incorporated cities and villages and towns containing same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 303.

[Published April 5, 1876.]

AN ACT to legalize the acts of Bentley S. Phillips, a notary public for Eau Claire county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The official acts of Bentley S. Phillips, a notary public, residing in Eau Claire county, as done and performed by him between the seventeenth day of October, 1875, and the sixth day of March, 1876, being the interval between the expiration of his commission and this date, are hereby declared to be as legal and effective to all intents and purposes as if the same had been done within the legal lifetime of his said notarial appointment, and under and by virtue of his notarial commission. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 304.

[Published April 6, 1876.]

AN ACT to legalize the salaries of, and allowances to, county officers of Burnett county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. To the end that all disputes between Burnett county and certain of its county officers may be adjusted, the acts and doings of the county board of supervisors of said county in fixing and establishing the salaries from time to time of the several county officers of said county from the time of the first election of county officers therein, up to the first day of January, A. D. 1876, and in allowing them or either of them certain fees or other allowances during that period, are hereby legalized and declared valid and binding on said county; *provided*, that the county board of supervisors of said county elected next after the passage of this act shall, by a vote of a majority Acts of county board legalized

Act to be ratified by county board.

of all its members elect, accept of the provisions of this act, and shall ratify and approve said former acts and doings of said county board in fixing said salaries and making such allowances; *and provided further*, that said acts and doings may be ratified and approved as to any part or portion of the same, and they shall be valid and binding only to the extent to which they shall be so ratified and approved.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 305.

[Published April 7, 1876.]

AN ACT to authorize the board of trustees of the village of Viroqua to remove and re-inter the remains of persons buried in an old burying ground.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Removal of cemetery authorized.

SECTION 1. The board of trustees of the incorporated village of Viroqua is hereby authorized and empowered to disinter and remove, at such time or times as said board shall deem expedient, the remains of the dead that have been buried in what is called and known as the old burial ground, situated and lying within recorded plat, of said village, and to provide for the re-interment of such remains.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 306.

[Published April 5, 1876.]

AN ACT to authorize Leonard Guenther and his successors and assigns to erect and maintain a system of piers and booms on the Wisconsin river, in the town of Knowlton, Marathon county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Leonard Guenther and his successors, representatives, heirs, and assigns, is hereby authorized and empowered to construct, erect, place, establish and maintain such a system of piers and booms on, in and along the Wisconsin river on sections twenty (20), twenty-one (21), twenty-eight (28), and twenty-nine (29), in township twenty-six (26), north of range seven (7), east of the 4th principal meridian, in the town of Knowlton, in Marathon county, in this state, as shall be most suitable and convenient for the purpose of stopping, holding, booming, dividing out and assorting all logs, timber and other materials in the general lumber manufacturing business on said river, and may use and enjoy the same for such purpose; *provided*, a passage way of convenient width is kept open, or convenient to open, at all times past and along the same for the passage of logs, timber and rafts. Authority to erect piers and booms.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 307.

[Published March 29, 1876.]

AN ACT to facilitate the artificial propagation and preservation of fish, and appropriating a certain sum therein named for that purpose, and to purchase a site for a state hatching-house and the erection thereof.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the fish commissioners of the State of Wisconsin the sum of ten thousand dollars, out of any money in the state Appropriation for purchase of site for state hatching house

treasury not otherwise appropriated, to enable the said fish commissioners to purchase, in the name of the state, and for its use, a suitable site for the erection of a state fish hatching-house, such site to be located as near as practible to some railway station, and so as to afford easy access to the public waters of the state.

Commissioners to purchase such site, and to erect tenement.

SECTION 2. It shall be the duty of the fish commissioners to purchase such site, and to erect a hatching-house thereon, as soon as practicable after the passage of this act, taking a pefect title to the state of such site, and to equip such hatching-house with the most modern and approved appliances for hatching purposes, and to erect and maintain all necessary ponds and fixtures in and about the same. Also to erect, if in their judgment necessary, a cheap tenement house thereon, such tenement house not to cost a sum exceeding one thousand dollars ($1,000.)

Commissioners to let contract for construction of hatching house.

SECTION 3. It shall be the duty of the said commissioners to procure plans and specifications for such hatching-house, and for such tenement, if deemed necessary, at a cost for the same not exceeding one hundred dollars, and to let the building of the same, upon giving four weeks public notice in some newspaper printed in the county where the same is to be erected, to the lowest and best bidder. The said commissioners shall have the right to reject any and all bids for such work if, in their judgment, the best interests of the state require it, and to re-advertise the letting thereof.

Hatching house to be placed in charge of superintendent.

SECTION 4. So soon as such site is purchased and said hatching-house is completed, the said commissioners shall have the power to place the care of the same under the superintendence of some practical pisciculturist, who shall be superintendent, and whose duty it shall be, under the direction of such commissioners, to receive and hatch all spawn for the use of the state, and to distribute the same in the public waters thereof, and as equitably as practicable. The said commissioners shall have the power to lease, for a term of years, to such superintendent, the secondary use of the water and appliances and fixtures of such hatching-house, to be used exclusively for hatching purposes, and for a tenement, and upon terms reasonable and just; *provided*, that such leasing shall in no manner interfere with the hatching of spawn for the use of the state. The salary of such superintendent shall not exceed one thousand dollars per annum, including the use of such tenement house and neces-

Commissioners may lease secondary use of water and fixtures.

Salary of superintendent.

sary ground for the purpose of a residence. The rental for such use shall be deducted from such salary, and the residue of such salary, if any, together with the expenses of distributing the fry of spawn in the public waters of the state, shall be paid from the general appropriation. The superintendent shall give a bond to the state in the penal sum of five thousand dollars, with sureties to be approved by said commissioners, conditioned for the faithful discharge of his duties as such superintendent, and which bond shall be filed with the secretary of state.

Duty of fish commissioners.

SECTION 5. It shall be the duty of the fish commissioners to receive from the United States commissioners of fish and fisheries, all spawns of fish donated to the state by the United States government, and to cause the same to be hatched and the fry to be distributed in the public waters of the state; and also to procure, in all practical ways, spawns and fish to be disposed of in such a manner as to forward the objects contemplated by this act.

Commissioners to draw money and make report.

SECTION 6. The said commissioners, or any two of them, shall have authority, to draw upon the state treasurer from the said appropriation, as the same may be required to defray expenses incurred, and shall report to the governor of the state all and singular the items of such expenditure, together with the business transacted under their commission, such report to be made on or before the commencement of each fiscal year.

How board of fish commissioners constituted.

SECTION 7. The fish interests of the state shall be entrusted to a board of five commissioners, of which board the governor shall be ex-officio one member, and the remaining four commissioners shall be hereafter appointed by the governor, and shall hold their place for a term of four years unless sooner removed, except that of the four first commissioners to be appointed under this act, the term of one shall expire April first, 1877; the term of another shall expire April first, 1878; of another shall expire April first, 1879; and the term of the fourth shall expire April first, 1880; *provided, however*, that the present commissioners shall continue to act until their successors are appointed as herein provided. The commissioners shall receive no compensation for their services, but shall be repaid the expenses necessarily incurred by them while discharging their duties, and their accounts shall be audited by the secretary of state.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 308.

[Published March 31, 1876.]

AN ACT to provide for the more efficient protection from trespassers of certain lands embraced in the grants made by congress to the State of Wisconsin, by acts approved respectively June 3, 1856, and May 5, 1864, and of the timber standing and growing thereon.

*The people of the State of Wisconsin represented in senate and assembly do enact as follows:*

Action to be brought in name of state against trespassers.

SECTION 1. Whenever it shall be ascertained that any person or persons threaten to cut, fell or remove, or is or are engaged in cutting, felling or removing any timber of any kind upon or from the lands, or any of them, belonging to the State of Wisconsin, or in which the state has an interest, granted by congress to the said state, by acts approved respectively June 3, 1856, and May 5, 1854, [1864] to aid in the construction of a railroad from St. Croix river or lake, between townships twenty-five (25) and thirty-one (31), to the west end of lake Superior, and to Bayfield, commonly known as the "St. Croix grant," or is or are committing or threatening to commit any other trespass of any kind or nature upon said lands, or any of them, the agent or agents or any of them, appointed under the authority of the laws of Wisconsin, to protect said lands from the trespassers, may bring an action in the name of the State of Wisconsin, against such person or persons, in the circuit court of the county where such trespass or trespasses is or are threatened to be committed, or is or are being committed, to enjoin and restrain the party or parties so threatening to trespass or so trespassing, from trespassing or further trespassing upon said lands or any of them, and from removing any timber or logs therefrom, and upon presentation to the judge of said court or to any court commissioner in said circuit, of the complaint in said action, duly verified by said agent or agents, or any of them, or by any person, cognizant of the facts, an injunction shall issue in favor of the State

Threatened trespass to be prevented by injunction.

of Wisconsin and against the defendant or defendants in said action, enjoining and restraining said defendant or defendants from cutting, felling or removing any timber or logs of any kind upon or from said lands, or from committing any further trespass or trespasses upon said lands, or any of them.

Laws in relation to injunctions to govern.

SECTION 2. The laws of the State of Wisconsin relating to injunctions, and to the practice in such cases, shall govern the actions commenced under the provisions of this act, so far as applicable thereto; *provided, however*, that it shall in no case be necessary for the State of Wisconsin, or any person in its behalf, to give a bond or security of any kind in order to obtain or keep in force such injunction.

Parties cutting or removing timber liable in action of trespass.

SECTION 3. Any person or persons, corporation or corporations, who or which shall cut, fell, or remove any timber or logs of any kind upon or from any of the lands mentioned in section one (1), of this act, shall be liable to the State of Wisconsin in an action of trespass in damages to an amount ten times the value of the timber or logs so cut, felled or removed from any of such land by such person or persons, corporation or corporations, and at the time of the commencement of any such action, or at any time before judgment therein, the plaintiff shall have a right, upon affidavit of any such agent mentioned in section one (1) of this act, stating the facts constituting a cause of action under this section, without giving any security, to have a writ of attachment against the property, real and personal, of the defendant or defendants, whether said defendant or defendants is or are resident in this state or not, and no exemption law of this state shall be valid as against said attachment or to any property used in any way by said defendant or defendants, in committing said trespass or trespasses; and all property attached on such writ shall be disposed of and sold and the proceeds applied as in other cases of attachment provided for by law; *provided*, that nothing in this act contained shall be so construed as to defeat the right of the State of Wisconsin, through any agent or agents appointed as hereinbefore mentioned, to seize with or without process, any timber, logs, or property wrongfully and unlawfully cut upon or removed from any of said lands, it being the intention to make the remedies provided in this section merely cumulative.

Writ of attachment may issue against property of trespassers.

Persons trespassing to be

SECTION 4. Any person or persons who shall knowingly cut, fell, or remove, or assist in cutting, felling,

deemed guilty of felony.

or removing any timber or logs upon or from any of the lands mentioned in section one (1), of this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine of not less than two hundred and fifty (250) nor more than one thousand dollars ($1,000), or by both.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 309.

[Published April 7, 1876.]

AN ACT relating to the destruction of game.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to hunt or fish on lands without consent of owner.

SECTION 1. It shall be unlawful for any person to enter upon the occupied lands of any person in the county of Milwaukee, for the purpose of shooting any game or birds without the consent of the owner of such occupied lands. Every person offending against the provisions of this section shall, upon conviction thereof, forfeit the sum of ten dollars ($10) and cost of prosecution.

Unlawful to hunt rabbits with ferrets.

SECTION 2. It shall be unlawful for any person to hunt for or kill rabbits in the county of Milwaukee, by means or by use of the animal commonly known as a ferret. Every person offending against the provisions of this section shall, upon conviction thereof, forfeit not less than ten nor more than fifty dollars ($50) for each and every offense, and costs of prosecution.

Jurisdiction of justices of the peace.

SECTION 3. Justices of the peace shall have jurisdiction to try and determine all cases under this act; *provided*, that the defendant shall not be deprived of the right of appeal or of trial by jury.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 10, 1876.

## CHAPTER 310.

[Published April 6, 1876.]

AN ACT to repeal chapter four hundred and eighty-two, of the general and special laws of 1852, entitled, "An act to incorporate the Manitowoc and Two Rivers Plank Road Company."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever a majority of the boards of supervisors of the towns of Manitowoc and Two Rivers shall determine to buy the Manitowoc and Two Rivers plank road, and shall deposit for this purpose in the First National Bank of Manitowoc the sum of eight hundred dollars to the credit of the said Manitowoc and Two Rivers Plank Road Company, and after due notice has been given by said bank, to the owners of said plank road company, that the amount of eight hundred dollars has been credited in favor of said plank road company, then the said plank road shall become a free road, and the property of the towns of Manitowoc and Two Rivers; and chapter four hundred and eighty-two, of the general and local laws of 1852, and all acts amendatory thereof, shall then be declared hereby repealed.

Plank road to become a free road when purchased by towns.

When charter repealed.

SECTION 2. The board of supervisors of the towns of Manitowoc and Two Rivers are hereby authorized and empowered to levy a tax sufficient to carry out the provisions of this act.

Authority to levy tax.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 11, 1876.

---

## CHAPTER 311.

[Published March 28, 1876.]

AN ACT to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve, of chapter three, of chapter one hundred and eighty-four, of the laws of

Amended.

1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended by striking out the word "April" where it occurs in the second and eighth lines of said section, and inserting in lieu thereof the word "January." Section one, of chapter seven, of said chapter one hundred and eighty-four, is hereby amended by striking out the word "May," in the third line of said section, and inserting in lieu thereof the word "January." Section three, of chapter seventeen, of said chapter one hundred and eighty-four, is hereby amended by striking out the word "June," in the second line of said section, and inserting in lieu thereof the word "February."

Amended.

SECTION 2. Subdivision forty, of section three, of chapter four, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended by inserting after the words "proprietors of," in the third line of said subdivision, the words "intelligence offices."

Amended.

SECTION 3. Section four, of chapter six, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Duty of jurors in condemning lands for public use.

Section 4. The said jurors, when so appointed and sworn, at such time within thirty days from the date of the precept, as they may agree upon, of which at least three days' notice shall be given by publication in the official papers of the city, shall proceed in a body to view the premises proposed to be taken, and for their own information as to the necessity of taking the same, said jury or any one of their number may apply to the judge appointing said jury, to summon such witnesses as they or he may desire to appear before said jury, and testify as to the facts in the case; and said jury shall also hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors and attached to their report; and either of the jurors shall be authorized to administer the necessary oath to witnesses, and they may adjourn from day to day, when necessary or convenient. Said jury shall make a report of their proceedings to the common council within the time limited in the precept, which report shall be signed by them respectively, and shall state, whether in their judgment, it is necessary to take the premises in question for the public use, as proposed. Each juror shall be entitled for his ser-

vices to the same compensation as is paid to petit jurors attending the circuit court of Milwaukee county.

SECTION 4. Section two, of chapter seven, of said chapter one hundred and eighty-four, of the laws of 1874, as amended by section twenty-nine, of chapter one hundred and forty-four (144), of the laws of 1875, is hereby further amended so that said section two shall hereafter read as follows: Section 2. The grading, graveling and planking, macadamizing or paving to the center of any street or alley, and the grading, graveling, macadamizing, planking or paving of any sidewalk, and the paving of any gutter shall be chargeable to and payable by the lots fronting or abutting upon such street, alley or gutter, or fronting, abutting, or adjacent to such sidewalk, to the amount which such grading, graveling, macadamizing, planking or paving shall be adjudged by said board to benefit such lots. The expense of all such improvements or work across streets at their intersection with streets and alleys, excepting sidewalks, and the expense of all such improvements or work across public grounds and to the middle of streets and alleys adjacent to public grounds, and the construction of all crosswalks shall be paid out of the fund of the ward in which such improvements are made or such works are done. After a street, alley or gutter has been constructed to the grade established by the common council, and graveled, planked, paved or macadamized in compliance with the order of the proper city authorities, the expense of maintaining, renewing, repaving, keeping in repair and cleaning such street, alley or gutter, and the pavement or other surface thereof, and of any other subsequent improvement of such street, alley or gutter shall be paid out of the fund of the ward in which such work is done or such improvement is made; *provided, however*, that when a street or alley which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting or abutting upon such street or alley to the amount which such paving, planking or macadamizing shall be adjudged by said board to benefit such lots as hereinbefore provided for the improvement of a street or alley; *and further provided*, that when a change in the grade of any street or alley chall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to

Amended.

To what source expenses of improvements chargeable.

and paid by the lots fronting or abutting on the street or alley of which the grade shall be so changed; *and provided further*, that the provisions of this section in relation to the maintaining, renewing, repaving, keeping in repair and cleaning of streets, alleys and gutters shall not apply to the laying, relaying, cleaning or repairing of sidewalks.

Amended.

SECTION 5. Section seventeen, of chapter seven, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended by inserting after the word "remade," in the fifth line of said section the words "or on account of being above or below the grade established by the common council."

Amended.

SECTION 6. Section twelve, of chapter ten, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Collection of water rates.

Section twelve. All water rates shall be due and payable on the first day of January, and the first day of July, in each year, semi-annually, in advance. The mayor shall appoint on the first Monday of March, A. D. 1876, and biennially thereafter, subject to the approval of the common council, a proper person as collector of water rates, who shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause, as hereinafter provided. Said collector shall be authorized to collect and receive all water rates, and give receipts therefor; and when not so employed shall perform such other duties as the common council by ordinance may prescribe. He shall keep proper books of account, and shall account to and pay over to the city treasurer daily all moneys which may come into his hands by virtue of his office as collector of water rates. He shall, before entering upon the duties of his office, take the usual oath of office, and execute a bond to the city of Milwaukee, with sufficient sureties, to be approved by the common council, and in such penal sum as said council may direct, conditioned that he will faithfully discharge the duties of his office, and account to and pay over to the city treasurer daily, all moneys which may come into his hands by virtue of his office as collector of water rates. He shall keep his office at such place, and receive such a salary for his services as the common council may determine. He may be removed at any time for cause by the board of public works, with the approval of the common council. On the first day of June and the first day of September, A. D. 1876, and thereafter

Duties of collector of water rates.

on the first day of March and the first day of September, in each year, it shall be the duty of said collector to make and certify to the comptroller of said city a list of all persons who up to the time of making such report shall have failed to pay the amount due from them for water rates, together with a description of the lots, parts of lots or parcels of land owned or occupied by such delinquents, and the amount unpaid. On receipt of such list the city comptroller shall add upon all such delinquent water rates so reported, a penalty of five per centum, and shall thereupon deliver such list to the city treasurer for collection. On receipt of such delinquent list, the city treasurer shall give public notice in the official papers of said city, for one week, that such list is in his hands for collection; and that all delinquent water rates must be paid thereafter to the city treasurer with the penalty added. If such rates shall remain unpaid on the first day of the succeeding month, the comptroller shall add an additional penalty of one per centum, and he shall continue to add on the first day of each month thereafter, an additional penalty of one per cent. until the first day of November, or to the time of payment, if previously paid. All delinquent water rates and penalties unpaid upon the first day of November in each year, shall be reported by the city treasurer to the comptroller of said city, together with a description of the lots, parts of lots, and parcels of land to which the same may be chargeable. In case *(of)* any of said water rates should remain unpaid at the time when the comptroller is required to make his annual report and schedule to the common council of lots, parts of lots, and parcels of land subject to special assessments in said city, it shall be the duty of the comptroller to include in such schedule and report all the water rates and penalties so delinquent, with a description of the lots, parts of lots and parcels of land to which they may be chargeable; and the same shall be levied, entered on the annual tax roll, and collected at the same time and in the same manner with other special taxes and assessments. All water rates for water furnished to any building or premises which shall remain unpaid for sixty days after the same shall be due, with the penalties above provided, shall be a lien on the lot, part of lot or parcel of land on which such buildings or premises shall be situated. Any water rates which may by mistake have been omitted in any warrant or

Duty of comptroller and treasurer.

Water rates to be lien against property.

list thereof delivered for collection as aforesaid may be entered and collected as omitted water rates upon any subsequent list that may be made within one year after such omission.

Amended.

SECTION 7. Section eight, of chapter fourteen, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Insurance agents to file bonds.

Section 8. Each and every such agent shall file such a bond with said city comptroller annually on the first secular day of January in each year, and every person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section of this chapter without having executed and delivered the bond required by this chapter, shall forfeit and pay to the city of Milwaukee for each offense, and for each insurance so effected or agreed or promised to be effected, the sum of one hundred and fifty dollars; such sums may be recovered by said city in a civil action, and said city may maintain an action on such bond or against such agent to recover all moneys required by section six of this chapter to be paid into the city treasury.

Money paid by fire insurance companies to go to use of fire department.

SECTION 8. All moneys hereafter paid to the treasurer of the city of Milwaukee by fire insurance companies, or their agents, under section six, of chapter fourteen, of said chapter one hundred and eighty four, of the laws of 1874, shall be appropriated and used by said city of Milwaukee exclusively for the use and benefit of the fire department of said city.

Amended.

SECTION 9. Section seven, of chapter seventeen, of said chapter one hundred and eighty-four, of the laws of 1874, is hereby amended so as to read as follows:

Duty of city treasurer.

"Section 7. The city treasurer shall render weekly statements to the common council, of the amount received and disbursed by him, and he shall deposit daily, with the bank or banks, or banking associations so selected, it or they giving proper vouchers therefor, all moneys which may come into his hands by virtue of his office as city treasurer, including county, school and state moneys, and the interest and redemption funds of the city; *provided, however*, that the city treasurer may retain in the treasury a sum not exceeding five thousand dollars. From the time of so depositing such moneys, the said treasurer shall be relieved from all liability arising from the failure of the bank or banks or banking association, safely to keep such moneys. Such moneys shall be drawn

out only upon the check of the said treasurer, countersigned by the comptroller of said city.

SECTION 10. Section fourteen, of chapter one hundred and forty-four, of the laws of 1875, being an act amendatory of said chapter one hundred and eighty-four, of the laws of 1874, and entitled, "An act to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, 'an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereto,'" is hereby amended by adding to said section the following: Every ordinance to establish the grade of any street or alley, shall, after its introduction in the common council, be published in full with the proceedings of the council, and shall lay over not less than two weeks after its introduction, before it shall be passed. Amended. How ordinances establishing grade of street to be published.

SECTION 11. Section thirty-two, of said chapter one hundred and forty-four, of the laws of 1875, is hereby amended by striking out the word "imperative" in the fourth line of said section; also by inserting after the words "public works" in the fifth line of said section the words, "with the consent of the aldermen of the proper ward;" also inserting after the word "empowered" in the ninth line of said section the words, "with the consent of the aldermen of the ward, in which such street, alley or sidewalk is located;" also by striking out the words "with part new and part old materials of the kind previously laid down" in the seventeenth, eighteenth and nineteenth lines of said section, and inserting in lieu thereof the words, "with new materials, or with part new and part old materials." Amended.

SECTION 12. Section thirty-three, of said chapter one hundred and forty-four, of the laws of 1875, is hereby amended by striking out all after the words "section twenty-two" in the third line of said section to and including the word "street" in the fourteenth line thereof, and inserting in lieu of the same the following: "The common council shall have power, by resolution, to order the sprinkling of any street in the city of Milwaukee; *provided, however*, that every such resolution shall be approved by a majority of the aldermen of the ward or wards, in which such street or part of such street to be sprinkled shall be located, and such resolution shall receive the affirmative votes of three-fourths of the aldermen elected; *and provided further*, that every such resolution Amended. Sprinkling of streets.

shall lay over at least two weeks after its introduction, and if, within that time, a remonstrance against the passage of such resolution shall be presented to the common council, signed by a majority of the owners of lots or parcels of land fronting or abutting on the street or part of the street proposed to be sprinkled, actually occupying such lot or lots, parcel or parcels of land, then such resolution shall be indefinitely postponed; *provided further*, that whenever a majority of the aldermen of any ward shall so request in writing, the board of public works shall advertise for sealed proposals, and let by contract to the lowest bidder for the term of three years the sprinkling of all streets, or parts of streets, in said ward that may be ordered to be sprinkled during said term of three years, by resolution of the common council, and upon the passage of any resolution by the common council ordering the sprinkling of any street or part of street in any ward where a general sprinkling contract has been made as aforesaid, the said street or part of street so ordered shall be endorsed on said contract by the board of public works, and the said street or part of street sprinkled according to the terms of such general contract, and upon the passage of any resolution by the common council ordering the sprinkling of a street in any ward where no general contract has been made, the board of public works shall advertise for sealed proposals for sprinkling such street or part of street.

Contracts exceeding $200 to be let to lowest bidder.

SECTION 13. All work and the purchase of supplies or material chargeable to any ward fund, or to any city fund, including the water fund, where the cost thereof shall exceed the sum of two hundred dollars, except street cleaning, shall be let by contract to the lowest bidder in the manner provided by the city charter, and the common council shall have no power to authorize the board of public works to incur any indebtedness in excess of the amount herein limited, without a formal contract, let to the lowest bidder, being made for the same; and any indebtedness incurred contrary to the provisions of this section, shall be illegal, and the parties incurring the same shall be personally responsible therefor.

Recording of ordinances.

SECTION 14. It shall be necessary for the city clerk to record in the book provided for the recording of ordinances, the general ordinances passed by the common council of the city of Milwaukee, on the 20th day of April, 1875; but he shall file and preserve in

his office a copy of the printed book containing such general ordinances, which copy shall be considered a part of the records of his office; and said ordinances shall have the same legal force and effect as if the same had been recorded in said ordinance book.

Credits to contingent fund.

SECTION 15. The common council of the city of Milwaukee is hereby authorized to cause to be credited to the contingent fund of said city, the following sums of money, and to cause the same to be charged as follows, viz: To the sewerage fund of the west sewerage district of said city, the sum of eight thousand dollars, being the amount advanced under a resolution passed by said common council on the 21st day of June, 1875, from said contingent fund to said sewerage fund, for the purpose of furnishing funds for constructing sewers in said sewerage district. To the ward fund of the tenth ward of said city, the sum of one hundred and fifty dollars; being the amount paid out of said contingent fund to Jacob Koperski, on account of said ward fund, under a resolution passed by said common council, on the 12th day of April, 1875.

Additional tax to be levied in sixth ward.

SECTION 16. The common council of the city of Milwaukee, is hereby authorized and empowered at the time of levying other city taxes for the year 1876, in addition to the amount now authorized to be raised by law, for ward purposes in the sixth ward of said city, to levy a tax of not exceeding three mills on the dollar, upon all taxable property real and personal, in said ward; said tax shall be collected at the same time and in the same manner as other city taxes are collected, and shall be used for ward purposes in said ward.

Additional tax to be levied in ninth ward.

SECTION 17. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes for the years 1876, 1877 and 1878, in addition to the amount authorized to be raised by law for ward purposes, in the ninth ward of said city, in each of said years, to levy a tax of not exceeding three (3) mills on the dollar, upon all taxable property, real and personal, in said ward, for each of said years 1876, 1877 and 1878; said tax shall be collected at the same time and in the same manner as other city taxes for said years are collected, and shall be used for ward purposes in said ward.

Additional tax to be levied in west sewerage district.

SECTION 18. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes, for the years

1876, 1877, and 1878, in addition to the amount authorized by law to be raised for general sewerage purposes in the west sewerage district, in each of said years, to levy a tax not exceeding one and one-half mills on the dollar, upon all taxable property, real and personal, in said sewerage district for each of said years. Such tax is to be collected at the same time and in the same manner as other city taxes for the same years are collected, and is to be used for the purpose of constructing sewers and for the necessary expenditures in the said sewerage district in the manner provided by law.

Money to be refunded to Milwaukee Iron Company.

SECTION 19. The common council of the city of Milwaukee is hereby authorized to refund out of the general city fund of said city, to the Milwaukee Iron Company, the sum of twenty-two hundred dollars, being two-thirds of the amount expended by them in dredging the middle ground of the Milwaukee river, from the straight cut south as far as the mouth of the Kinnickinnick river, during the year 1872.

Amount of assessment of 1873 against certain property to be refunded.

SECTION 20. The common council of the city of Milwaukee is hereby authorized to refund the whole or any portion of the amount of the assessment made by the board of public works in the year 1873 against lots six and seven, in block one hundred and sixty-eight, and lots one and twelve, in block one hundred and sixty-nine, in the eighth ward of the city of Milwaukee for a brick sewer on fourth avenue in said ward, to the present owner or owners of said lots; *provided, however*, that no amount shall be refunded to such owners, which was not assessed prior to 1873, for a brick sewer on said fourth avenue, and which has not been paid. Any sum so refunded shall be charged to the sewerage fund of the south sewerage district of said city.

Various assessments to be refunded by common council.

SECTION 21. The common council of the city of Milwaukee is hereby authorized to refund of the amount of the assessment made for the construction of a sewer on Wells street, in the fourth ward of said city, under chapter two hundred and thirteen, of the general laws of 1863, to the present owners of the lots and parcels of land fronting or abutting on said sewer the excess over eighty cents per lineal foot of the frontage of such lot or parcel of land on the line of said sewer; and to the present owners of all other lots or parcels of land assessed for on account of said sewer, one-half of the amount of the assessment against such lots or parcels of land, and the other

half to the person or persons who have paid or may hereafter pay such assessment; *provided, however*, that no money shall be refunded on account of any assessment for said sewer, until the amount so assessed, for the construction of said sewer, shall have been paid. For the purpose of refunding the amount above authorized, the common council of said city is hereby empowered to levy and raise by taxation, upon all the taxable property, real and personal, within the west sewerage district of said city, in such year or years, in whole or in part, or in such installments as said common council may, by resolution, determine, in addition to the amount authorized to be raised, for a sewerage fund, in said district, an amount sufficient to cover the amount to be refunded, under the provisions of this section. Said special tax shall be levied and collected at the same time and in the same manner as other city taxes are levied and collected for such year or years.

Amount assessed against certain lot to be paid out of the eleventh ward fund.

SECTION 22. The common council of the city of Milwaukee is hereby authorized to pay out of the ward fund of the eleventh ward of said city, by and with the consent of all the aldermen of said ward, the special tax of two hundred and forty-one dollars, assessed in the year 1875, against a triangular piece of land, described on the tax roll as being in the southwest quarter of section five, in said eleventh ward of said city, and bounded south by the eighth section line, northeast by land owned by Milwaukee county, and northwest by the Howell road, as excess of benefits for opening and extending Becher street from Eighth avenue to Kinnickinnick avenue in the eleventh and twelfth wards of said city.

City may issue bonds for payment of railroad debt.

SECTION 23. For the purpose of paying the corporate bonds of the city of Milwaukee, issued to aid in the construction of the Milwaukee and Beloit and Milwaukee and Superior railroads, the common council of the city of Milwaukee shall have power by ordinance to authorize the issue of other corporate bonds of the said city, to an amount not exceeding two hundred thousand dollars, payable in twenty years, with interest at the rate of seven per cent. per annum, payable semi-annually. Said bonds shall be signed by the mayor and clerk of the said city, and sealed with the corporate seal of the said city, countersigned by the comptroller of the said city, and attested by the commissioners of the public debt of the said city, and shall in terms be made payable at the

Manner of issuing bonds, demoniations, etc.

agency of the said city, in the city of New York, and shall each be for the principal sum of one thousand dollars, or five thousand dollars, or ten thousand [dollars], and may have coupons or interest warrants attached thereto for the semi-annual payment of the interest thereon, or they may be registered bonds or part coupon bonds and part registered bonds, as the common council may determine. Said bonds shall be delivered to the said commissioners of the public debt of said city, and shall be sold and disposed of by said commissioners at not less than par, and the proceeds thereof used solely for the purpose of paying the bonds of the said city, issued to aid in the construction of the Milwaukee and Beloit and Milwaukee and Superior railroads, or by said commissioners exchanged for said railroad bonds at not less than par.

Construction of section four of this act.

SECTION 24. Section four of this act shall not be construed as repealing any of the provisions of chapter 159, of the laws of 1876, entitled, "An act to authorize the improvement of streets in the second ward of the city of Milwaukee, and to authorize the levy of a special tax therefor in said ward."

SECTION 25. All provisions of law contravening the provisons of this act are hereby repealed.

When act to take effect.

SECTION 26. Section 1 of this act shall take effect on the first day of January, 1877. All other provisions and parts of this act shall take effect and be in force from and after the passage and publication of this act.

Approved March 11, 1876.

---

## CHAPTER 312.

[Published March 17, 1876.]

AN ACT to revise the charter of the city of Chippewa Falls.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

### CHAPTER I.

General corporate powers.

SECTION 1. All that district of country in the county of Chippewa, hereinafter described, shall be

and remain a city by the name of Chippewa Falls, and the people who now, or who may hereafter, inhabit said district, shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and of being contracted with, suing and of being sued, pleading and of being impleaded with, in all the courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

## CHAPTER II.

City boundaries.

SECTION 1. The south half of section number thirty-one (31), and the southwest quarter of section thirty-two (32), in township number twenty-nine (29) north, range number eight (8) west, also the east one-half of section number one (1), and lots one (1) and two (2), in section twelve (12), in township number twenty-eight (28), range number nine (9), all of section number six (6), except lot number one (1) therein, also lot number four (4), in section number seven (7), and lots five (5) and six (6), and the west half of the northwest quarter, and the northeast quarter of the northwest quarter of section number five (5), all in township number twenty-eight (28) north, and of range eight (8) west, and the northwest quarter of the northeast quarter, and lots seven (7) and eight (8), in section five (5), township twenty-eight (28) north, and of range eight (8) west, and also the southeast quarter of section thirty-two (32), in township twenty-nine (29) north, and of range eight (8) west, shall be included within, and constitute the territory comprising the city of Chippewa Falls.

Ward boundaries.

SECTION 2. The city shall be divided into four (4) wards. All that portion lying north of the Chippewa river, and east of Bridge street, and south of Columbia street, and of the highway running easterly therefrom, shall constitute the first ward. All that portion lying north of the Chippewa river, west of Bridge street, and south and west of a line running on Columbia street, to the westerly limit of the original plat of the village of Chippewa Falls, thence north to Mansfield addition, thence west to the city

When annual election to be held.

SECTION 10. The first election under this act, shall be held on the first Tuesday of April, 1876, and elections shall be held annually thereafter.

Election of aldermen.

SECTION 11. The present aldermen of the city shall hold their offices for the time they were elected, and the city clerk shall ascertain the wards in which they now reside, and their respective time to serve, and shall so notify and call the election; and an alderman shall be so elected, that the term of all aldermen in each ward, shall expire in one year therefrom.

## CHAPTER IV.

Officers of city to file bonds.

SECTION 1. The mayor and each officer of said city (aldermen and justices excepted), shall, within ten days after notice of his election, and before he enters upon the duties of his office, execute to the city, and file in the office of the city clerk a bond, conditioned to faithfully, honestly and impartially discharge the duties of their said office according to law, in such sum as the aldermen in council may direct, and any voter of the city may prosecute said bond in his own name, or in the name of the city, and recover any damages occasioned to him or to the city, by reason of the breach thereof, or the city may, through its attorney, prosecute the same, provided there shall be but one recovery for each breach of said bond, and the suit first begun shall have priority of right to recover, and such officer shall also file with the city clerk his oath of office, and therein be sworn to faithfully, honestly and fairly discharge the duties of the same.

Mayor—his powers and duties.

SECTION 2. The mayor shall be the chief executive officer of the city, the head of the police, and shall see that the city ordinances are faithfully executed and obeyed. He shall preside over the aldermen when assembled in council, and shall give them such information as he may deem proper, from time to time, affecting the welfare of the city, and shall have power to call out the several constables and police force of the city, and such other force as he may deem necessary, in case of riot or other disturbance. The mayor shall have a vote in council only in case of a tie, but may veto any ordinance or resolution passed by the aldermen in council, by filing his written objections thereto with the city clerk, within seven days of the passage of the same; and the same shall thereupon be void and inoperative, until two-thirds of all

the aldermen elect from the city, shall vote for its passage, in which case it shall be as valid as if approved. The aldermen in council may at any time in the absence of the mayor, elect one of their body an acting mayor, who in his absence shall have the same powers as the mayor would have if present.

Acting mayor.

SECTION 3. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the aldermen in council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths.

Duties of city clerk.

SECTION 4. It shall be the duty of the city attorney in addition to the other duties herein imposed, to conduct all suits instituted to collect penalties for the violation of city ordinances, all suits in behalf of the city, as well as to defend the city in suits brought against it, and to give his legal opinion in all cases where the city is interested, when demanded. He shall, at the time of his election, be an attorney of a court of record.

Duties of city attorney.

SECTION 5. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, pay over the moneys in his hands according to law. He shall keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, which shall be published in the city paper, such reports to state the amount of money on hand. The treasurer of the city of Chippewa Falls in no case shall receive more than three per cent. on the sums by him collected for taxes.

Duties of city treasurer.

Duties of assessor.

SECTION 6. The assessor shall perform all the duties heretofore incumbent upon him, and in the time and manner required by law, and with the mayor, treasurer, and city clerk, shall constitute the board of equalization, who shall equalize the assessment, in the same manner, and at the same time, as the board of the towns of this state are required to by law.

Board of equalization.

City physician.

SECTION 7. The city physician shall have charge of all the sick under the care of the city, and render for them such medical and surgical aid as their condition requires, and as in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city, as the mayor and aldermen may impose. His salary shall be fixed at the first meeting of the common council.

Powers and jurisdiction of justices of the peace.

SECTION 8. Justices of the peace shall have the same jurisdiction and power as justices of the peace by the statutes of this state, and in addition thereto, they shall have jurisdiction to hear all complaints and to try and determine all actions arising under this charter, both civil and criminal, and under the lawful ordinance of the mayor and aldermen passed in council; *provided*, that the mayor shall have power, if he shall deem it expedient, to appoint one of the said justices to try all cases and actions arising under this charter, and the ordinances of this city, who thereupon shall have exclusive jurisdiction to try such actions, unless the same shall be removed for causes known to law to the next nearest justice, who in such case shall determine the same. The bonds of justices and constables shall be approved by a majority of the aldermen of the city, and shall qualify otherwise as provided by statute of this state

Powers of constables.

SECTION 9. The constables shall possess the same powers as constables of towns, by the laws of this state, and also all the powers of police officers under the charter and ordinances of the city of Chippewa Falls, and shall have power to arrest, without process, any person engaged in the commission of any criminal offense, against the laws of this state, or any violation of the ordinances of the city, in view of the same, and shall at all times be subject to the order of the mayor in aiding to keep the peace and suppress riots or other disorderly conduct.

Duties of fire wardens.

SECTION 10. The fire wardens shall perform such duties as shall be prescribed by the mayor and aldermen in council, to prevent fires, to keep the streets,

lanes and alleys clean and free from nuisances, and the sidewalks in such condition as shall be at all times safe for travel; and they shall report to the mayor all cases of cholera, small-pox, or other contagious and dangerous diseases within their respective wards.

Council may require further duties of officers and fix compensation of same.

SECTION 11. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

Official paper and city printing.

SECTION 12. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

## CHAPTER V.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Chippewa Falls do ordain," &c. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Meetings and proceedings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

General powers of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes, shall have authority, by ordinance, resolution or by-laws:

Granting of licenses.

1st. To license, regulate, suppress and prohibit the exhibitions of common showmen or shows of any kind, or exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and may grant licences for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spiritous, vinous or fermented liquors, and may prohibit and suppress the same; *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars or more than three hundred dollars, except druggists licenses, which shall in no case exceed twenty-five dollars ($25), and that all such licenses hereafter granted shall run from the first day of May

in each year; *provided, however*, that when any such license may be applied for, after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year. 2d. To restrain, prohibit and suppress all description of gambling, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spiritous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers. 3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness. 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. 5th. To direct the location and management of slaughter houses, and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials. 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine-wood or any other material or substances whatever. 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. 8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large

To restrain gambling.

To prevent riots and abate nuisances.

To distrain animals running at large.

contrary to the ordinances. 10th. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises, any such substance, putrid or unsound beef, or pork, fish, hides, skins, or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and to suppress omnibus drivers, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds, and public buildings, with gas or otherwise. 12th. To establish and regulate boards of health; provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds, set apart for public use, from taxation. 13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. 14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. 15th. To prevent the shooting of fire arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or property therein, or annoying to any citizen thereof. 16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city. 18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. 19th. To license and regulate butchers' stalls, shops and stands for the sale

To regulate charges of hackmen.

To restrain drunkenness and obscenity.

of game, poultry, butchers' meat, butter, fish and other provisions. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector. 21st. To compel the occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto; and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. 22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. 23d. To regulate the time, place, and manner of holding public auctions and vendues. 24th. To appoint watchmen and prescribe their duties. 25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. 26th. To protect trees and monuments in said city. 27th. To prescribe and regulate the construction of sewers within the city. 28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from any incumbrances, and to protect them from injury. 29th. To alter or change the name of any street in the city. 30th. To make, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

Police regulations.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they

How ordinances, etc., to be passed and made effective.

shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation, or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation, or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, taken by ayes and noes, which vote shall be recorded in full by the clerk.

**What to be deemed nuisances.**

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

**Council shall make settlement with city officers.**

SECTION 6. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, at such time as they may deem proper; and also at the end of each year, and before the time for which the officers of the said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of

such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Corporate authority—in whom vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled a mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers, as may be created under this act.

## CHAPTER VI.

How money to be paid out.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund, respectively; and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

Council to levy tax.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city a tax sufficient to defray the same.

Limit of power of council to create debt.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year; and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Council may levy special taxes for payment of interest.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due, or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law; *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds, at the time such tax shall be collected, by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

Appeal to circuit court.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court, and no more.

City clerk to give notice of appeal to mayor and aldermen and make return of proceedings.

SECTION 7. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and aldermen, or shall take such measures as by ordinance or resolution of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case, before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; *provided, however*, that whenever an appeal is taken from the allowance made by said common council, upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appel-

lant shall pay the cost of appeal which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant, for the amount of such excess.

No action to be maintained until claim has been presented

SECTION 8. No action shall be maintained by any person against the city of Chippewa Falls upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city.

Determination of council to be final.

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

## CHAPTER VII.

Power of council to lay out and widen streets and alleys.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

Occupants of lands to be notified.

What notice to contain.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Chippewa, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purposes specified in said petition.

Appointment of jurors to view premises.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application.

Constable to serve precept.

SECTION 4. Any constable of said city shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Substitution of jurors.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner or any justice of the peace, shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Jurors shall view premises, hear testimony and make report of their proceedings.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to

administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of the damages to be paid, to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors before entering upon the discharge of their duties, in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and are not interested in the premises to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to determine damages.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him to remove.

When land is occupied by building.

SECTION 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks, once in each week; such notice shall specify the building and the award of the jurors. It shall require the parties interested to ap-

Notice of determination to be given.

pear by a day therein named or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Sale of building.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Jurors to view premises and appraise value thereof.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

When property belongs to different persons.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award to be returned to council.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Appeal from assessment.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the com-

mon council, appeal from said assessment of damages, to the circuit court of Chippewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six (6), of chapter five (5), of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof, within ten days as aforesaid.

When lands may be taken.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds, opened or laid out.

When damages not paid within one year, proceedings to be void.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment, and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

When deposit may be made.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

When whole of land under lease or contract.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When part of land under lease or contract.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements, respecting the same upon the confirmation of such report, shall be absolutely discharged, as to the part thereof taken,

but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

When owner is an infant or under legal disability.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit court of Chippewa county, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey and profile to be made.

SECTION 21. Whenever any public ground, street, or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

## CHAPTER VIII.

Assessment of property for taxation.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may, from time to time, deem advisable.

Assessor to hear objections of parties aggrieved.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof, in the official paper or papers and shall fix a time and convenient place, where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations as justice or equity shall require; *provided*, the time of hearing

such objections shall not be more than one week from the expiration of such notice.

Board of equalization.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Assessment of back taxes.

SECTION 4. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted, for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be levied in such manner as they shall by ordinance direct; *provided*, that if the defeat [defect] was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax or assessments so assessed shall be levied and continne a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When tax set aside by reason of informality.

Board of equalization—how constituted and duties of.

SECTION 5. The mayor, treasurer, city clerk and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on

the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city.

Levy of tax by council.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes of assessment to be recorded.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to be lien on property.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Duty of city clerk on reception of assessment roll.

SECTION 9. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment rolls, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto two per cent. for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Duplicate copy of roll to be delivered to treasurer.

SECTION 10. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year.

SECTION 11. To each assessment roll so delivered a warrant, under the hand of the city clerk and the corporate seal of said city, shall be annexed, substantially in the following form:

Form of warrant to be attached to roll.

STATE OF WISCONSIN—

To the city treasurer of the city of Chippewa Falls, in the county of Chippewa.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down on such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person and corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of ——, for state taxes, and the further sum of ——, for county taxes, and the balance of said money you are required to retain and pay out according to law; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Chippewa.

Given under my hand and the corporate seal of the city, this —— day of ——, 18—.

—— ——, City Clerk.

SECTION 12. The said assessment roll and warrant thereto attached, shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Assessment roll to be evidence in courts

SECTION 13. All the general laws of this state, which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws of state to apply in collecting taxes.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are lev-

Treasurer to give notice of taxes due.

ied), has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees of treasurer.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all taxes collected by or paid to him prior to the first day of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the said first day of January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

When state tax to be paid.

SECTION 16. The treasurer shall on or before the third Monday of January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city.

Proceedings not to be vitiated by informality.

SECTION 17. All the directions hereby given [for] the assessing of lands and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Charges to be paid before suit to set aside tax

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment, or

special tax hereafter levied or assessed upon any lot or tract, or to set aside, or set up, or interpose any objections to the title derived by virtue of any tax deed executed in consequence of non-payment of such taxes, and of the sale of premises therefor, unless such persons shall first pay or tender to the proper party, on deposit, for his use, with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot or tract, together with the interest and charges thereon.

or tax deed can be commenced.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had, as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight, of the general laws of 1860, and any act that may be hereafter passed, amendatory to said acts, or in addition thereto.

How delinquent personal tax to be collected.

## CHAPTER IX.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings of other materials, that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof; and to prescribe the manner of ascertaining such damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire limits.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets and in such manner and time as they shall

Power of council to compel precautions against fires.

prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the occupants and owners of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and provide penalties for violation of any resolution or ordinance passed under this section.

Organization of fire companies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as [in] cases before mentioned.

Half of penalties to be paid to fire department.

SECTION 4. One-half of the net proceeds of all the fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Arrest for disobedience of

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or al-

derman of the city, the mayor, or any police officer, at any fire, it shall be lawful for the officer giving such order, to arrest or direct, orally, any constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars ($20).

orders, and for disorderly conduct.

SECTION 6. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty (30) members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is, or may hereafter be, vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city; and shall perform such service as may be necessary for the peace and good order of the same.

Council may organize sack company.

SECTION 7. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys

Treasurer of fire department.

shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Election of officers by fire companies.

SECTION 8. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of fire companies.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks, or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Chippewa, a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

## CHAPTER X.

Actions to be brought in name of city.

SECTION 1. All actions of civil form brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or other regulations made in pursuance thereof, shall be brought in the name of the city of Chippewa Falls. It shall be lawful to declare, in the complaint, that the defendant is indebted to the plaintiff in the sum forfeited, or the penalty incurred, by provisions of this act, by-law, or ordinance, under which the claim is made.

Prosecutions to be commenced by summons.

SECTION 2. In all prosecutions for violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form: Form of summons.

County of Chippewa, City of Chippewa Falls.

The State of Wisconsin, to the sheriff or any constable of the city of Chippewa Falls:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace, in and for said city, at my office in said city, on the —— day of ——, 18—, at —— o'clock in the —— noon, to answer to the city of Chippewa Falls, in a plea of debt, to the damage of said city, one hundred dollars ($100) or under.

Given under my hand, at the said city, this —— day of ——, 18—. C. D., Justice of the Peace.

SECTION 4. Such summons shall be made returnable, and be served in the same manner as is now, or hereafter may be, prescribed by the laws of the state, or [for] the commencement of actions before justices of the peace, by summons, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state, for the time being, relative to actions commenced by summons, and triable before justices of the peace. How summons to be made returnable.

SECTION 5. When action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The City of Chippewa Falls against A. B.

In Justice Court, before C. D., Justice.

The plaintiff complains against the defendant for, that the defendant, on the —— day of ——, 18—, at the said city, did violate (section ——, of chapter ——, of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation, an action hath accrued to the city of Chippewa Falls to recover of the defendant the sum of —— dollars, debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant, it shall be substantially in the following form: Form of oath for warrant.

City of Chippewa Falls against A. B., in justice's court, before C. D., justice of the peace, Chippewa county—ss.

E. F., being duly sworn, says, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of an ordinance (or by-law), or regulation), describing it by its title, which (——) is now in force, and was then and there guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor. Subscribed and sworn to before me this —— day of ——, 18—.

—— ——, Justice of the peace.

Upon filing with the justice such complaint, the justice shall issue his warrant, containing the statement of the offense, charged in usual form, and the same proceedings and trial shall be had as in cases under the statutes for the recovery of penalties.

Printed copy of ordinance, etc., to be evidence.

SECTION 7. A printed copy of an ordinance, by-law, or regulation, passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before the courts of this state.

Witnesses and jurors to attend without prepayment of fees.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all actions for the violation of any ordinance, by-law or regulation of said city without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

No jury allowed in city prosecutions. How same conducted.

SECTION 9. In city prosecutions, for the violation of any ordinance, by-law or regulation, of said city, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendent for the fine, penalty, or forfeiture prescribed in this act, or in the ordinance, by-law, or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant; and shall in either case determine and enter upon his docket the length of time

the defendant shall be imprisoned, which in no case shall exceed six (6) months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Chippewa, }
City of Chippewa Falls, } ss.

Form of execution.

The State of Wisconsin, to the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Chippewa Falls, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against ——, for the sum of —— dollars and —— cents, costs of suit, for the violation of (section ——, of chapter ——, of this act, or section ——, of an ordinance or by-law, or regulation of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said ——, excepting such as the law exempts, and make sale thereof, according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said ——, and him convey and deliver to the keeper of the common jail in Chippewa county; and the said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

C. D., Justice of the Peace.

Form of commitment.

The form of commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale, and return of writs.

Appeal to circuit court.

SECTION 10. In all cases where the fine or judgment is more than five dollars ($5.00), the defendant may appeal from such judgment to the circuit court of the county of Chippewa, provided such defendant within twenty-four hours, pay to the justice his costs, one dollar ($1.00) for returns, and one dollar ($1.00) State tax, and enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him,

and shall, forthwith, cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket, in the action together with the recognizance, to be filed in the office of the clerk of said court, and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the justice shall be rendered; and no notice of trial shall be required to be given, to, or by either party.

When judgment of justice is affirmed.

SECTION 12. If the judgment of the justice of the peace shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Residence not to make incompetent as judge juror, &c.

SECTION 13. No person shall be an incompetent judge, justice, or juror or witness by reason of his being an inhabitant of said city, in any proceeding or acton in which the city shall be a party in interest.

Present ordinances, etc., to remain in force

SECTION 14. All ordinances and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions, etc., vested in city.

SECTION 15. All rights, actions and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city; and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceeding, as by ordinance or resolution of said council may be in such case provided.

Penalties to be paid into city treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit

of said city, except as provided in chapter nine of this act.

SECTION 18. All fire-engines, hose, carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city, or such engines, hose, hose-carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party. Fire apparatus exempt from taxation.

SECTION 19. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied on, or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city. Private property not to be taken for debt of city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance, or police regulations of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the county jail of Chippewa county, as provided by such ordinance or regulation, for any period not exceeding six months. Power of court to sentence to imprisonment.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reason therefor. Power of mayor to grant pardons.

## CHAPTER XI.

SECTION 1. Every ordinance, resolution or by-law, provided for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part, of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter, or streets, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution, or by-law shall not be passed or adopted, sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution, or by-law was introduced shall How ordinances, &c., to be passed.

lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said committee shall return said account to the common council, with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Council may order certain improvements without giving notice to property owners.

SECTION 6. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits, which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

Council may make contract for repair and cleansing of streets.

SECTION 7. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving, and repairing, and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and drains, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

To what source expense of improvements chargeable.

SECTION 8. The costs and expenses of surveying streets, alleys, drains, and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, or graveling, planking, paving of streets and alleys, shall be chargeable to the lots or lands fronting on such street or alley; so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley; *provided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Drains and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said drain or gutter shall be constructed *provided, however*, that when drains or gutters are constructed through alleys,

no lot shall be assessed therefor, except those situated in the block through which such drains or gutters may be constructed; *and provided further*, that in all cases when improvements of work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground.

How council to proceed in making improvements.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case grading of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof, across each street, alley, or public ground, aforesaid, and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract, to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time, and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city, by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvement, to be done directly by, and under the supervision of the street committee, at the uniform expense in whole or in part, of all the lots or parcels of land abutting or fronting on such street or public improvement.

When deep cutting or extraordinary filling is required.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem

themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require any constable to summon five freeholders, not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably charged upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcel of lands respectively, and what lots or parcels of land on the streets so to be improved, will be benefited by such deep cutting or filling and how much, or what portion shall be chargeable to them, and to make a report thereof in writing within ten days after such examination to the common council and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit, as determined by said jury. The sum so assessed shall become a lien upon the premises assessed and shall be collected therefrom, as a special assessment, in same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and providing further*, that when it shall appear to the common council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent, or guardian, or not to be benefited by the making of streets in front of such lots or lands, to the amount of costs

Assessment to be lien on property.

and expenses thereof; it shall then be the duty of the said council to cause to be summoned a jury, as herein provided.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

Work to be done under supervision of street commissioner.

SECTION 12. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon, and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein prescribed, no informality in the proceedings not affecting the validity of the assessment, shall invalidate or vitiate the same; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

When work done certificate to be issued to contractor.

## CHAPTER XII.

SECTION 1. The mayor and council of the city of Chippewa Falls shall, at their first regular meeting after this charter shall go into effect, elect, as school commissioners, one person from each ward of said city who shall hold office until the first Monday in July, 18—, and one other person from the city at large who shall hold office until the first Monday in July, 18—; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 18—, one from the city at large, unless sooner remov-

School commissioners.

ed for misconduct or other sufficient cause, by a vote of two thirds of the appointing power. The terms of office of said commissioners who shall be elected after the first election shall commence on the first Monday of July in each year; *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are duly elected and qualified.

**Board of education.**

SECTION 2. The school commissioners elected under the provisions of section one of this chapter, shall form the "board of education of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time, in the number of said school commissioners, by resignation or otherwise.

**President of board of education.**

SECTION 3. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and other incidental and necessary expenses of said board of education; and in suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; *provided*, that on all questions, appropriations of money, or the adoption of new text-books, the vote shall be taken by ayes and noes; and on any other questions the ayes and noes shall be called when any member shall request it; *provided further*, that in the absence of the president, the board shall elect a president pro tempore.

**Meetings of board.**

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing, of the time and place of such meeting.

SECTION 5. The duties of the board of education shall be as follows: 1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each; and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to the teacher. 2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will. 3d. to establish rules and regulations for the schools, not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul, or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen in the city. 4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school-houses, not exceeding one hundred dollars in value for any one school-house; to make contracts for all incidentals required for carrying on the school-houses, such as lighting fires, sweeping school-rooms, etc; and such contracts, when executed, shall be paid by orders drawn on the city treasury, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. 5th. The said board shall annually on or before the first day of November, in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year; and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they cause entries to be made in a book or books provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said boards, at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the

Duties of board

To employ teachers and arrange terms.

To establish regulations for schools.

To make contracts.

To make statement.

proceedings of said board; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the school tax during the ensuing year.

Making repairs building school houses, etc.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school-house or houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs; on the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Payment of teachers and janitors.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds for teachers' and janitors' wages, and all other expenditures authorized by this act.

Members of board not to be interested in contract.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary of board of education.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

## CHAPTER XIII.

SECTION 1. All work for the city or either ward, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts. **How work for city to be done**

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. The office of mayor and alderman shall be filled by their incumbents without fee or salary, and no mayor or alderman shall be parties to any contract with the city, or be paid any money by or from the city treasurer, for or on account of contract with said city, during the term of office for which they were elected, or for any service or bargain made with the city during the same. **What purposes money to be appropriated for.** **Mayor and aldermen to receive no fees or benefits.**

SECTION 3. All sums of money necessary for grading streets and building sidewalks, not chargeable to individuals, shall be collected from the property assessed, by general levy. **How money for street improvements to be raised.**

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of register of deeds of the county of Chippewa. **New survey and platting of city.**

SECTION 5. The surveys and land marks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves, and blocks, in all cases in which they shall be drawn into controversy in all courts in this state; and alleys through the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law, it shall be the duty of such person or persons, or corporations making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by **Survey and land marks to be evidence.**

Recording of plat.

the said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record, or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars; and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Establishment of grades and making of profiles.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys, and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made ,one of which shall be filed in the office of the register of deeds of Chippewa county, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be afflicted or injured in consequence of the alteration of such grade.

City may hold property.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

How new additions to be platted.

SECTION 8. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets.

Conveyances to be made in name of city.

SECTION 9. When the city of Chippewa Falls deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Who to make and sign conveyances.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or

interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

When election not held at prescribed time.

SECTION 11. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

Appointment of night watchmen.

SECTION 12. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Chippewa Falls.

No voter eligible to two offices.

SECTION 13. No voter shall be eligible to or hold more than one office under this charter at the same time.

When office to be deemed vacant.

SECTION 14. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Ward officers shall hold their offices in the ward for which they were elected.

Repeal of conflicting acts. Repeal not to invalidate contracts.

SECTION 15. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating said city, or any of them; but the same

have been published in the official newspaper of the city.

Power of council to establish and change grade of streets

SECTION 2. The common council of the city of Chippewa Falls shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall change, or alter the grade of any street, any person who shall claim to have sustained damages, by such change, or alteration of grade, shall have his right of action against the city, for the recovery of such damages; but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damage; and said council shall have refused or neglected for three months to pay or settle the same.

Improving and cleansing of streets.

SECTION 3. It shall be the duty of the city constables to see that all the ordinances of the city, relating to the obstructions and cleansing of the sidewalks, streets, alleys, public grounds, reservoirs, gutters, drains, waters and water courses in said city, are duly observed and kept. The committee on streets shall have a general supervision over all works let by contract, for the improvement of streets, or sidewalks in said city, unless the common council shall otherwise provide.

Construction of sidewalks.

SECTION 4. Sidewalks shall be constructed, reconstructed, or repaired, upon the proper established grade of any street, in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed, by contract, sufficient to pay the cost of constructing the same; *provided*, that no such con-

tract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order, requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

Work to be let by contract to lowest bidder.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction, or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder, provided such bid is a reasonable one, subject to such provision in the case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering repair of of sidewalks, and levying and collecting special taxes on the respective lots, to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four (24) hours, which in the opinion of the street committee will not cost to exceed the amount of five (5) dollars, in front of any lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Chippewa Falls, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten (10) days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of said

Street committee authorized to make certain repairs.

lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said committee shall return said account to the common council, with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Council may order certain improvements without giving notice to property owners.

SECTION 6. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits, which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

Council may make contract for repair and cleansing of streets.

SECTION 7. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving, and repairing, and cleansing all streets and parts of streets, alleys, public grounds, reservoirs, gutters and drains, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

To what source expense of improvements chargeable.

SECTION 8. The costs and expenses of surveying streets, alleys, drains, and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, or graveling, planking, paving of streets and alleys, shall be chargeable to the lots or lands fronting on such street or alley; so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley; *provided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Drains and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said drain or gutter shall be constructed *provided*, *however*, that when drains or gutters are constructed through alleys,

no lot shall be assessed therefor, except those situated in the block through which such drains or gutters may be constructed; *and provided further*, that in all cases when improvements of work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground.

How council to proceed in making improvements.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case grading of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof, across each street, alley, or public ground, aforesaid, and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract, to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time, and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city, by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvement, to be done directly by, and under the supervision of the street committee, at the uniform expense in whole or in part, of all the lots or parcels of land abutting or fronting on such street or public improvement.

When deep cutting or extraordinary filling is required.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem

proceedings of said board; and they shall at the same time submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the school tax during the ensuing year.

Making repairs building school houses, etc.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house, they shall cause a statement to be made, showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school-house or houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs; on the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Payment of teachers and janitors.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school funds for teachers' and janitors' wages, and all other expenditures authorized by this act.

Members of board not to be interested in contract.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

City clerk to act as secretary of board of education.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

## CHAPTER XIII.

SECTION 1. All work for the city or either ward, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts. How work for city to be done

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. The office of mayor and alderman shall be filled by their incumbents without fee or salary, and no mayor or alderman shall be parties to any contract with the city, or be paid any money by or from the city treasurer, for or on account of contract with said city, during the term of office for which they were elected, or for any service or bargain made with the city during the same. What purposes money to be appropriated for. Mayor and aldermen to receive no fees or benefits.

SECTION 3. All sums of money necessary for grading streets and building sidewalks, not chargeable to individuals, shall be collected from the property assessed, by general levy. How money for street improvements to be raised.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boudaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of register of deeds of the county of Chippewa. New survey and platting of city.

SECTION 5. The surveys and land marks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves, and blocks, in all cases in which they shall be drawn into controversy in all courts in this state; and alleys through the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law, it shall be the duty of such person or persons, or corporations making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by Survey and land marks to be evidence.

Recording of plat.

the said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record, or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars; and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Establishment of grades and making of profiles.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys, and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Chippewa county, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be afflicted or injured in consequence of the alteration of such grade.

City may hold property.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation.

How new additions to be platted.

SECTION 8. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets.

Conveyances to be made in name of city.

SECTION 9. When the city of Chippewa Falls deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Who to make and sign conveyances.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or

interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

When election not held at prescribed time.

SECTION 11. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

Appointment of night watchmen.

SECTION 12. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Chippewa Falls.

No voter eligible to two offices.

SECTION 13. No voter shall be eligible to or hold more than one office under this charter at the same time.

When office to be deemed vacant.

SECTION 14. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Ward officers shall hold their offices in the ward for which they were elected.

Repeal of conflicting acts. Repeal not to invalidate contracts.

SECTION 15. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating said city, or any of them; but the same

of section five, thence due south along the eighth section lines of sections five, eight, seventeen and twenty to the southwest corner of the east half of the northeast quarter of section number twenty, in said township number three and range twenty-three, and thence along the quarter section lines of sections twenty and twenty-one to Lake Michigan, thence easterly to a point three miles due east and thence northerly to the place of beginning.

Ward boundaries.

SECTION 3. The said city shall be divided into wards, and the number and boundaries shall be as follows, until altered by the common council: The first ward shall embrace all the territory south and east of the center line of Root river and north of the center of Seventh street and east of the center of Chippewa street. The second ward shall embrace the territory bounded as follows: Commence at the intersection of the continuation of the center line of Seventh street, run thence west along the center of Seventh street to its intersection with College avenue, thence south along the center line of College avenue to the south line of section sixteen, thence west along said south line to the northwest corner of the east half of the northwest quarter of section twenty-one, thence south to the city limits, and thence east to the east boundary line of city, and thence north to the place of beginning. The third ward shall embrace all that territory situated within the following boundaries: Commencing at the intersection of the center line of College avenue with the south line of section sixteen, run thence west on the south line of said section to its intersection with the center line of Center street, thence north along the center of Center street to the center of Root river, run thence easterly along the center of said river to the intersection with the center line of Chippewa street, run thence southerly along the center of Chippewa street to the center of Seventh street, run thence east along the center of Seventh street to the intersection with the center line of College avenue, and thence south along the center of College avenue to the place of beginning. The fourth ward shall embrace all that part of the territory of said city lying north of the center line of Root river and north and east of the following described boundary lines, viz: Commence at the center of section nine and run due east to the center line of the river, and then returning on said line to the center of section nine, run west along the south line of lot one in the

northeast quarter of said section to the center of Douglas avenue, thence north along the center of Douglas avenue to its intersection with the center line of Prospect street, thence west along the center line of Prospect street to the center of Marquette street, thence north along the center line of Marquette street to the center line of Douglas avenue, and thence northwesterly along the center line of Douglas avenue to the north boundary line of the city. The fifth ward shall embrace all the territory north and west of the center line of Root river not embraced in the fourth ward. The sixth ward shall embrace all that part of the territory of the city south of the center line of Root river not embraced by the first, second and third wards.

## TITLE II.

### OFFICERS AND ELECTIONS.

Elective officers.

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, who shall be ex-officio controller, three assessors, two justices of the peace, a marshal, and two school commissioners from each ward constituting the board of education; and the appointive officers shall be: Three health commissioners, constituting a board of health, a city attorney, a chief of police, a fire marshal, a superintendent of the poor, a harbor master, who shall be bridge tender until otherwise ordered by the common council, a city surveyor, and as many bridge tenders, firemen, constables, policemen, and such other officers and agents as may be provided for by this act or as the common council may determine to be necessary.

Annual city elections.

SECTION 2. The annual municipal election in said city shall be held on the first Tuesday in April of each year, at such place or places in each ward as the common council shall designate, at which time there shall be elected by the qualified voters of said city, in the manner herein provided, all officers required to be elected at a general municipal election. The polls of such election shall be opened and closed at the same hours which are and may be prescribed by law for the opening and closing of the polls at general elections in the State of Wisconsin. Ten days' previous, public notice of the time and places of hold-

ing such elections, and of the officers to be elected, shall be given by the mayor by proclamation, published in two or more newspapers published in the city.

Officers to be elected at first election, and terms of same.

SECTION 3. The mayor, city treasurer, city clerk, city marshal, one alderman from each ward, one assessor, one justice of the peace, and one school commissioner from each ward, shall be elected by the qualified electors on the first Tuesday of April, 1876, being the first municipal election under this act, and annually thereafter. The officers so elected shall enter upon the duties of their respective offices on the third Tuesday of April, in the year of their election, and shall hold their respective offices for the term of one year, and until their successors are elected and qualified, and assessors, who shall hold their offices for the term of three years, and until their successors are elected and qualified.

Representation of wards in council.

SECTION 4. Each of the several wards in said city, created by this act, shall be represented in the common council by two aldermen, who shall be residents of such ward, and who shall, except as herein otherwise provided, hold their offices for two years from and after the third Tuesday in April, in the year of their election. The first common council under this act shall be organized and enter upon its duties on the third Tuesday in April, 1876, and shall be composed as follows: The alderman from each ward in the present city council, whose term of office will expire in 1877, shall serve as one of the aldermen from such ward under this act until the end of his said term. At said first municipal election under this act, the qualified voters in each ward shall elect one alderman for the term of two years from the third Tuesday of April, 1876, and thereafter one alderman from each ward shall be annually elected for the term of two years.

Organization of first council.

When office of alderman to be deemed vacant

SECTION 5. If any alderman shall remove from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city of more than three months, his office shall thereby become vacant, and whenever any vacancy shall in any manner occur in the office of alderman, the common council shall, within ten days after the said vacancy shall happen, order a new election of which due notice shall be given as herein provided, but not unless more than four

months of the term of the aldermen shall then remain unexpired.

SECTION 6. A justice of the peace shall be elected annually by the qualified electors of said city, for the term of two years. The justices of the peace now in office shall continue in office until the expiration of their term. Election of justices.

SECTION 7. All officers of said city not declared elective by this act, and all other officers necessary for the proper management of the city affairs, shall be elected by the common council, subject to confirmation by the city council. All appointments by the mayor shall be made in writing and filed in the office of the city clerk. What officers to be elected by council.

SECTION 8. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All persons entitled to vote for county and state officers, and who shall have resided next preceding the election five days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act and qualified to hold any office hereby created. How elections to be conducted.

SECTION 9. The aldermen shall be inspectors of election for the ward in which they may respectively reside. The aldermen shall, prior to each election, appoint two clerks of election, and also additional inspectors of election for each ward, to make the whole number of inspectors three in each ward including such alderman there resident. Each inspector and clerk of election shall be an elector and resident of such ward, and in case of a failure to appoint, or in case of a failure of any such inspector or clerk to appear at the opening of the polls at any election, the electors there present may proceed to fill the vacancy as provided by the laws of this state regarding elections; but no member of the common council or other person being a candidate for any office at any election shall be inspector at such election. Said inspectors and clerks shall, before entering upon their duties, respectively take the usual oath of office. Inspectors and clerks of election.

SECTION 10. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if any vote shall be challenged by an elector, the inspectors before receiving the vote of such person shall require him to take the following oath, which either of said inspectors is hereby authorized to administer: "You do solemnly swear (or affirm, as the case may be) that you are Oath of elector

twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided within this ward during the last five days and that you now reside therein, and that you have been a resident of this state during the last preceding year, that you have not voted at this election, and that you have made no bet or wager and have not become directly or indirectly interested in any bet or wager depending upon the result of this election."

Penalty for taking oath falsely.

And if the person so offering to vote shall take such oath, his vote shall be received. If such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if a person qualifed shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to a criminal prosecution by indictment or information, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars ($100) nor less than twenty-five dollars ($25) It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their vote; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns for an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of voters, each and every such inspector and clerk shall be liable to be prosecuted thereof by indictment or information, and on conviction thereof, shall forfeit a sum not exceeding five hundred dollars ($500.00) for each offense. All such indictments and informations shall be tried in the county of Racine.

Canvass of votes and making of returns.

SECTION 11. When the election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall publicly declare the result, and make returns thereof, stating therein the number of votes cast for each person for each and every office, and shall deliver or cause to be delivered, such returns to the city clerk within twenty-four hours of the closing

of the polls, and with the defective ballots cast, if any, at such election, enclosed in a sealed envelope. Within one week after any election, the common council shall meet and canvass such returns and declare the result as it appears from the same, and the clerk shall forthwith give notice of his election to each officer elected.

When office deemed vacant

SECTION 12. In case of a tie vote or a failure in making an election of any officer, or in case of the dismissal of any officer, or when any officer elected or appointed for the city shall remove his residence without the limits of the city, or when any officer elected or appointed in and for any ward or division of the city shall remove his residence without the limits of such ward or division, or when any such officer shall refuse or neglect for twenty days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant, and whenever a vacancy shall occur in such manner or in any other manner in any office to be filled by an election by the people, the common council shall order a special election upon a public notice of ten days, to be given in like manner as notice is given of the general municipal elections, for the election of a person to fill such vacancy, except as provided in sections five (5) and sixteen (16) of title II. And whenever the vacancy shall occur in any office to be filled by a vote of the common council, the same proceedings shall be had for an election to fill such vacancy as are required for the election of any officer by the common council. When a vacancy shall occur in any appointive office to be filled by nomination of the mayor and confirmation by the common council, then such vacancy shall be filled in the manner prescribed in section seven (7), and title II, of this act.

Special election.

How special election held and conducted.

SECTION 13. Special elections by the people to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of elections of the several wards, in the same manner, and the returns thereof shall be made in the same form and manner as of general annual municipal elections, and within such time as prescribed for the annual municipal elections.

Powers of persons elected to fill vacancies.

SECTION 14. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the per-

twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided within this ward during the last five days and that you now reside therein, and that you have been a resident of this state during the last preceding year, that you have not voted at this election, and that you have made no bet or wager and have not become directly or indirectly interested in any bet or wager depending upon the result of this election."

Penalty for taking oath falsely.

And if the person so offering to vote shall take such oath, his vote shall be received. If such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if a person qualifed shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to a criminal prosecution by indictment or information, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars ($100) nor less than twenty-five dollars ($25) It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their vote; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns for an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of voters, each and every such inspector and clerk shall be liable to be prosecuted thereof by indictment or information, and on conviction thereof, shall forfeit a sum not exceeding five hundred dollars ($500.00) for each offense. All such indictments and informations shall be tried in the county of Racine.

Canvass of votes and making of returns.

SECTION 11. When the election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall publicly declare the result, and make returns thereof, stating therein the number of votes cast for each person for each and every office, and shall deliver or cause to be delivered, such returns to the city clerk within twenty-four hours of the closing

of the polls, and with the defective ballots cast, if any, at such election, enclosed in a sealed envelope. Within one week after any election, the common council shall meet and canvass such returns and declare the result as it appears from the same, and the clerk shall forthwith give notice of his election to each officer elected.

When office deemed vacant

SECTION 12. In case of a tie vote or a failure in making an election of any officer, or in case of the dismissal of any officer, or when any officer elected or appointed for the city shall remove his residence without the limits of the city, or when any officer elected or appointed in and for any ward or division of the city shall remove his residence without the limits of such ward or division, or when any such officer shall refuse or neglect for twenty days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant, and whenever a vacancy shall occur in such manner or in any other manner in any office to be filled by an election by the people, the common council shall order a special election upon a public notice of ten days, to be given in like manner as notice is given of the general municipal elections, for the election of a person to fill such vacancy, except as provided in sections five (5) and sixteen (16) of title II. And whenever the vacancy shall occur in any office to be filled by a vote of the common council, the same proceedings shall be had for an election to fill such vacancy as are required for the election of any officer by the common council. When a vacancy shall occur in any appointive office to be filled by nomination of the mayor and confirmation by the common council, then such vacancy shall be filled in the manner prescribed in section seven (7), and title II, of this act.

Special election.

How special election held and conducted.

SECTION 13. Special elections by the people to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of elections of the several wards, in the same manner, and the returns thereof shall be made in the same form and manner as of general annual municipal elections, and within such time as prescribed for the annual municipal elections.

Powers of persons elected to fill vacancies.

SECTION 14. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the per-

son whose office he may be elected or appointed to fill.

Terms of present officers.

SECTION 15. All the elective city or ward officers now in office shall hold their respective offices until the expiration of the term for which they were respectively elected, and until their successors shall be elected and qualified under this act.

How vacancy in office of may or to be filled.

SECTION 16. When any vacancy shall happen by death, resignation or removal, or otherwise, in the office of mayor, such vacancy shall be filled by a new election, and the common council shall order a new election within ten days after the happening of such vacancy; *provided*, that more than four months of the term shall then remain unexpired.

## TITLE III.

Officers to take oath and give bonds.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more suretics, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits, attached to or enclosed in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Racine, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the county of Racine. A

Bonds to be witnessed and recorded.

transcript from the records of such bonds in the office of the register of deeds or city clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Duties of mayor.

SECTION 2. The mayor shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department and of the police, and in case of a riot or other disturbance, he may appoint as many special or temporary policemen as he may deem necessary.

Duties of president of council.

SECTION 3. The common council shall at the first meeting for organization each year, after the annual city election, choose by ballot from their number a president, who shall preside over their meetings for the ensuing year, in case of the absence of the mayor. In case of a vacancy in the office of mayor by reason of absence or sickness, the president of the common council shall have and exercise all the powers and discharge all the duties of mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election.

Duties of city clerk.

SECTION 4. The city clerk shall keep the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings. He shall draw and sign all orders on the treasury (except as otherwise provided in this act) in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof, in books provided for that purpose. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon and transcripts from the records of the proceedings of the common council certified by him under the corporate seal of the city, shall be evidence in all courts and places of the contents thereof and of such endorsements, in like manner and of the same

force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of this state, and shall perform such other duties as may be required of him by the common council, or by the provisions of this act, and shall receive no extra compensation therefor.

Duties of city comptroller.

SECTION 5. It shall be the duty of the city comptroller to make out and report to the common council at its first regular meeting in the month of March, in each year, a statement in detail of all the expenses of the city and the condition of the funds and revenue of the city for the preceding year. The fiscal year shall commence on the first day of March annually. He shall also prepare a list of all outstanding city bonds and a statement of the purposes for which they were issued, when and where; and to whom payable and the rate of interest they respectively bear. He shall make or cause to be made estimates of the expenses of any work to be done by the city and shall examine all estimates of work made by the street commissioners of the several wards, and countersign all contracts entered into by the city, and unless they be so countersigned, they shall have no validity; and no money shall be drawn from the city treasury for work done on any contract before it was countersigned by him. He shall in no case countersign contracts for the expenditure of money by the city until the means for paying the same shall have been provided by the common council, and for a violation of his duty in this respect, he and his bail shall be liable for all damages resulting to the city or any individual. Duplicate receipts shall be given by the treasurer for all moneys received into the treasury, one of which shall be deposited with the comptroller and the other countersigned by him. He shall keep a full account of all the separate funds of the city, and the several amounts received to the credit of the same respectively, and the amounts severally paid from the same. He shall countersign no draft on the treasury unless the particular fund uponwhich it is drawn shall then be good for that amount upon the books of the treasurer. Every draft upon the treasurer shall specify the particular fund upon which it is drawn. Before any bill or account shall be allowed by the city council, it shall be audited by the comptroller, who shall keep full accounts of the bills so audited and an account of all receipts into the treasury and all disbursements

therefrom and all the contracts countersigned by him and of claims for damages against the city. He shall keep a record of all his acts and doings, which record shall be open for inspection to all parties interested. He shall report to the common council at their first regular meeting in each month the amount of all contracts which have been entered into, chargeable to the general city fund, and perform such other duties as the common council by ordinance or resolution may direct.

Limits of drafts on the different funds.

SECTION 6. If on or before the first day of December of any year, the amount expended or to be expended, chargeable to any city or ward fund, shall be equal to three-fourths of the tax authorized to be raised for such fund, the city comptroller shall at once report the same to the common council, and he shall not thereafter countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained, and during the remainder of the fiscal year he shall not countersign any contract, the expense of which will exceed the revenues actually collected for the funds to which such expense is properly chargeable.

DUTIES OF TREASURER.

Duties of city treasurer.

SECTION 7. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by law or by the ordinances of said city. All money of every description raised by tax, license, penalty, fine, forfeiture or otherwise, for city purposes, shall be paid into the city treasury, and shall not be drawn thence except by a written order of the mayor or acting mayor, by order of the common council, countersigned by the city clerk, who shall keep an abstract account thereof. Such order shall specify the fund from whence the money is to be drawn, and the object of the appropriation. He shall keep a just and accurate account of moneys and other things coming into his hands as treasurer, in a book to be kept for that purpose, wherein he shall note the time when, the person from whom, and the amount of the several sums received and the source from whence the sums respectively arose, which books shall at all reasonable times be open to the inspection of the public. He shall, when required by the common council, render to it a minute account of his receipts and payments, and shall at the expiration of his

office, hand over to his successor all moneys, books, vouchers, or other property in his possession as such treasurer or belonging to the city. He shall, before entering upon the duties of his office, execute to the city a bond for the faithful discharge of his duties, in such sum, and with such sureties as the common council shall direct. He shall collect and return the state and county taxes in said city, in the manner prescribed by law for the collection of taxes by town treasurers, except as hereinafter provided. His salary shall be fixed by the common council for collecting and disbursing city taxes or city funds, and shall not exceed the sum of three hundred dollars ($300.00) per annum, and such perquisites as may otherwise lawfully appertain to that office. He shall be allowed no fees for collecting city taxes and city funds or for paying out and disbursing the same.

Fees of city treasurer.

SECTION 8. It shall be lawful for the treasurer of said city to demand and receive the following fees and perquisites, viz: For each certificate of sale to be given to any purchaser at a tax sale of any lot or piece of land, or part thereof, ten (10) cents for each certificate of redemption of any lot or piece of land, or part thereof, for a single piece of land, ten (10) cents, and five (5) cents for every additional lot or piece of land described in such certificate to be paid by the person redeeming the same.

Treasurer to make report to city comptroller.

SECTION 9. The city treasurer shall, on the Saturday preceding the first regular meeting of the common council in each month, report to the city comptroller the amount of money paid into the city treasury since the making of his last report. The city comptroller shall have the right at all times to examine all of the records, books, papers, vouchers and accounts of the city treasurer, and it shall be his duty from time to time to compare his report therewith. If the city treasurer shall, in the opinion of the common council, willfully neglect to make such report as is required by this section or shall willfully make a false report, or shall refuse the city comptroller access, at seasonable times, to the records, books, papers, vouchers and accounts in his office, the common council may declare his office vacant and appoint a city treasurer in his place who shall hold his office for the remainder of the term of the treasurer so removed.

When office may be deemed vacant.

Treasurer shall file statement of monthly receipts and disbursements.

SECTION 10. On or before the first Monday in March in each year, the treasurer shall file in the office of the city comptroller a statement showing the monthly

receipts and disbursements of the preceding year on account of the general city and ward funds, such statement to embrace the gross amount of receipts and disbursements set forth in the monthly reports provided for in the next preceding section.

DUTIES OF ASSESSORS.

Duties of assessors.

SECTION 11. The assessors shall assess all the taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of the state relating to the assessment of property and the duties of assessors, and said assessment roll shall be equalized and notice given thereof by the assessors at the time and in the manner required by law, and the notice of the meeting of the board of equalization shall in addition to the posting thereof required by law, be published in two newspapers published in said city for one week previous to such meeting. Immediately after such assessment roll is equalized, the same shall be verified by oath of each of said assessors as required by law, and the said assessment roll or a copy thereof, shall be deposited in the office of the city clerk.

DUTIES OF CITY ATTORNEY.

Duties of city attorney.

SECTION 12. The city attorney shall be elected by the common council; conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the common council. He shall when required furnish written opinions upon subjects submitted to him by the mayor or the common council or any of its committees or any other department of municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times, be open to the inspection of the mayor, comptroller or any committee of the common council. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and other such instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessment, and to perform such other duties as may be

prescribed by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law of the city attorney; *provided*, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant nor have any power to pay the same.

May appoint assistant.

## TITLE IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS.

In whom government to be vested.

SECTION 1. The municipal government of the city shall be vested in the mayor and common council; and the style of all ordinances shall be "The mayor and common council do ordain," etc.

Meetings of common council and method of transacting business.

SECTION 2. The common council shall hold stated meetings, at such time and place as they shall appoint; and the mayor or the president of the board of common council may call special meetings thereof by notice of at least twenty-four (24) hours, to each of the members, to be served personally or left at their usual place of abode, and in case of the absence from the city of the mayor and the president of the council any five members may call a meeting of the common council. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. Two-thirds of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their session shall be open and public; their proceedings shall be recorded, and all their papers and records and all election returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote and no more on any one question. The ayes and noes may be required by any member, and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes, and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the

attendance of its members upon its sessions, and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given *viva voce*, or by ballot, and shall be duly recorded by the clerk in the journal, and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation.

General powers of council.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enfore, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalties, and to enfore the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulations: 1. To regulate taverns, victualing-houses, saloons, gardens and all other places within said city, where wines and other liquors are sold to be drank on the premises; and to license, regulate and restrain tavern keepers, keepers of ordinaries, saloons, victualing-houses or other houses or places, or the selling or giving away spirituous, vinous or fermented liquors, and to prescribe the time for which such licenses should be granted, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than twenty-five (25) nor more than

To regulate public places.

one hundred and fifty dollars ($150.00) per annum. 2. To license, tax, regulate, suppress, or prohibit public billiard halls, nine or ten pin alleys, bowling saloons and ball alleys. 3. To license, take, regulate, suppress, or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. 4. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain and prohibit the keeping open of groceries, shops, stores, saloons, and other places of amusement or business on Sunday in said city, and to prohibit the performance of secular business on that day. 5. To prevent any riot, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses and houses of ill-fame, and to authorize the destruction of all instruments and devices used for the purpose of gaming. 6. To compel the owner or occupant of any grocery, cellar, tallow-chandlers' shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city. 7. To direct the location and management of and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on. 8. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restain all persons from interrupting or interfering with the due observance of such rules and regulations. 9. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure

To prevent gambling and disorder.

To abate nuisances.

To regulate markets.

and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisisons. 10. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city. 11. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials; and the use of candles and lights in barns, stables and out-houses. 12. To prevent shooting of fire arms and fire crackers, and to prevent the exhibition or use of any fire-works, at any time or in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to any citizen thereof. 13. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever. 14. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, or public grounds. 15. To regulate and determine the times and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. 16. To restrain and punish vagrants mendicants, street beggars and prositutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17. To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto. 18. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances. 19. To provide for licensing

To prevent shooting of fire arms, encumbering of streets, horse racing, etc.

To restrain vagrants, impound cattle, license or destroy dogs, etc.

the keeping of dogs in the said city at a sum or rate of not less than one dollar ($1), nor more than five dollars ($5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed whenever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs. 20. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles; also to license bill-posters and prescribe their compensations. 21. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. 22. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds. 23. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. 24. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons of injuring in any manner the fences, ornaments, trees, shrubbery, plants, grave-stones, monuments, railings, buildings, or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers. And for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within

To license hackmen, etc.

To make regulations for health of inhabitants.

the jurisdiction of the same. To regulate the burial of the dead and registration of births and deaths, to direct the returning and keeping of bills of mortality. and to impose penalties on physicians, sextons and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals. 25. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as so oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city, or within its jurisdiction by indictment or otherwise. 26. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises, any such substances, or any putrid or unsound beef, pork, fish, hides or skin of any kind, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons. 27. To erect or establish one or more pest houses, hospital and dispensaries, and control and regulate the same. 28. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement or otheriwse. 29. To control, regulate or prohibit the use of steam whistles within the limits of the city. 30. To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein. 31. To compel owners or occupants of buildings or grounds, to remove and keep snow, ice, dirt, or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants, to remove from the lots owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants. 32. To control, regulate, repair, mend and clean the streets and alleys, bridges, side and crosswalks. and open, widen, straighten and vacate streets and alleys,

To define and abate nuisances.

To preserve order and compel cleanliness.

To clean and regulate streets

and establish and alter the grade thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon. 33. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. 34. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs. 35. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets and public buildings, with gas or otherwise. 36. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weights, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state. 37. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties. 38. To regulate the times, places and manner of holding public auctions and vendues. 39. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk-shops, and places for the sale and purchase of second-hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners, including runners or solicitors for mercantile houses from other cities and towns for the sale of goods, wares and merchandise by sample order, or otherwise, and keepers and proprietors of gift book-stores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such license shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license and

To regulate sales of various articles.

to regulate the manner in which they shall be carried on, provided that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars ($10) per year nor greater than at the rate of one hundred dollars ($100.00) per year for the carrying on of either of said trades, kinds of business or employment. 40. To regulate or prohibit the keeping of any lumber yard and the placing, piling, or selling of lumber, timber, wood, or other combustible material within the fire limits of said city. 41. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint one or more inspectors. 42. To regulate the places and manner of selling fish. 43. To provide for the inspection and regulation of stationary steam engines and boilers. 44. To appoint inspectors and weighers, and regulate their duties and prescribe their fees. 45. To establish and regulate public pounds. 46. To regulate the speed of locomotive engines within the city, and to direct and control the location of R. R. tracks, &c. 47. To appoint watchmen and policemen, and regulate the police and prescribe their duties. 48. To compel the owners and occupants of all houses, stores and other buildings within the city of Racine to number the same in such manner as the common council may from time to time prescribe. 49. To declare the weed commonly called the Canada thistle and other noxious plants and weeds, on lots, parts of lots, railroad tracks, and streets and lands in said city, a public nuisance, and to proceed to abate the same, as the said city is authorized by law to abate other nuisances. 50. To impose fines for all violations within the limits of the said city or the general laws of the state, when in their judgment it is necessary for the peace and good order or for the health of the said city. 51. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. 52. Exclusively to erect and construct or permit or cause, or procure to be created and constructed, float, pivot or draw bridges over the navigable waters in said city, and keep the same in repair, said bridges to have draws of suitable width. 53. To preserve the harbor, to prevent any use of the same or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the waters

To make and enforce various police regulations.

To have general jurisdiction over river and harbor and vessels in same

of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances or filth, logs or floating matter, to prevent and remove all obstructions therein and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, passing the bridges and of coming to and departing from the wharves and streets of the city by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving or abiding in the harbor; and to regulate and prescribe by such ordinances or through their harbor master or other authorized officer such location of every boat, steamboat or other craft or vessel afloat, and such changes of station in and use of the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts and floats; and to impose penalties, not exceeding one hundred dollars ($100) for any offense against any such ordinance; to charge and enforce such penalties, together with such expenses as may be incurred by the city in enforcing this section upon the steamboat, or other vessels, craft or float. 54. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges across Root river in said city. 55. To regulate the construction of piers and wharves extending into Lake Michigan within the limits of said city; and to prescribe and control the prices to be charged for dockage and storage within the city. 56. To establish rates and collect wharfage for the landing of lumber, wood, coal, merchandise or other property at the end of streets abutting on the river, and to let and lease the privilege thereof; *provided*, no permanent obstruction shall be created on such street, and free access shall be left open to the lots adjoining on either side of such street. 57. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance idleness and vice. 58. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves, are without employment, idly loiter-

**To provide for destitute children and to arrest vagrants and gamblers.**

ing or rambling about, or staying in drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune-telling, place of cock-fighting, or other device; and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or sabbath, or places where religious worship is held. 59. To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person of any pistol, or revolver, or sling-shot, or cross-knuckles, or knuckles of lead, brass, or other metal, or bowie-knife, dirk-knife, or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons. 60. To control and regulate the construction of buildings, chimneys and smoke-stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, smoke-stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement. 61. To declare that it shall be unlawful for any hall, theater, opera house, church, school-house or building of any kind whatsoever, to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm. 62. To require the chief of police to detail a sufficient number of men from the police force of the city to take charge of the public grounds of said city and to properly enforce the pound ordinances thereof; to provide for the election of one or more pound-keepers, and for the payment of such pound-keepers, either by salary or fees, or partly by both, and make all necessary rules and regulations for the enforcement of any pound ordinance of said city. 63. To alter the boundaries, and to increase the number threof.

**To prevent carrying of weapons.**

**To control erection of buildings.**

SECTION 4. All laws, ordinances, rules, regulations, and by-laws shall be passed by an affirmative vote of a majority of the aldermen elect and shall be signed by the mayor, and shall be published in the official

**How ordinances etc., to be passed and made effective.**

paper of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, rules, regulations, or by-laws shall be recorded the publication thereof, respectively within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council, which vote shall be taken by the ayes and noes and entered among the proceedings of the council; and when the grade of any street shall have been established by ordinance, and such street shall have been actually made to conform to such established grade under the direction of the proper authorities of said city, such grade shall not thereafter be changed without a vote of two-thirds of all the members elect of the common council, including the votes of all the members elect representing the ward or wards in which the change is proposed to be made, in favor thereof; the vote in every such case shall be taken by ayes and noes, and shall be entered upon the journal of the common council.

How ordinances for creation of debt or payment of money to be passed.

SECTION 5. All ordinances, petitions, and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day on the report of the committee to which the same were referred. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present.

Vote not to be rescinded at special meetings.

SECTION 6. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken; and no business shall be transacted

at any special meeting except that named in the notice calling such meeting.

SECTION 7. Every act, ordinance, by-law, regulation, resolution or appropriation, which shall have been duly passed by the common council, before it shall take effect, and within five days after its passage, shall be duly certified by the city clerk, and presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, within five days, with his objections stated in writing to the city clerk, and the clerk shall submit such objections to the common council at their next regular meeting thereafter, who shall enter said objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if, after such reconsideration, two-thirds of all the members elected, should vote to pass such act, ordinance, by-law, regulation, resolution or appropriation, it shall take effect and be in force as an act or law of the corporation, otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken by yeas and nays, and entered upon the journal of proceedings of the common council. If the mayor shall not return any act, ordinance, by-law, regulation, resolution or appropriation so presented to him within five days after such presentation thereof, it shall take effect in the same manner as if he had signed it; and in case said ordinance shall not receive the signature of the mayor, the certificate of the city clerk shall be attached thereto, showing the manner in which the ordinance was passed and acquired its validity.

**When ordinances, etc., disapproved by mayor.**

SECTION 8. The powers conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gupowder are deposited, stored or kept at one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

**What to be deemed nuisances.**

SECTION 9. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each

**Council to audit accounts of and settle with city officers.**

year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or any authorized committee thereof, it shall be the duty of the common council to declare the office of such person vacant. The common council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and they shall make a full record of all such settlements and adjustments.

## TITLE V.

Right of council to lay out and widen streets, etc., upon petition of freeholders.

SECTION 1. The common council shall have the right to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Any ten or more freeholders residing in any ward may, by petition and plat accompanying the same, represent to the common council that it is necessary to take certain land within the ward where such petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, setting forth in such petition and plat the courses and distances, and metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, and praying that such lands may be taken for such purposes as authorized by law. Every person signing such petition shall write, after signature thereto, a brief description of his real estate, which makes him such freeholder, or some part thereof, and of the place of his residence in said city; and shall make and annex thereto his affidavit that he is a resident and freeholder in said ward; and such signer, making such affidavit, shall thereupon be taken to be such resident and freeholder; and such petition shall be as valid and have the same effect as if such signer were such resident and freeholder, although it should afterward appear that in fact he was not such resident or free-

holder. Persons in actual possession for its purchase from the owner thereof shall be deemed to be freeholders within the meaning and for the purposes of this act.

Petition to be filed and notice of hearing given.

SECTION 2. Said common council shall cause such petition to be filed and recorded by the city clerk, and shall, by resolution, designate a time when and place where said petition shall be heard, of which hearing notice shall be given by the city clerk by the publication in the official paper of the city, at least ten days prior to the time so fixed for hearing such petition. Every such notice shall specify, as near as possible, the boundaries of the land required for the purposes of the petition, shall designate the tracts of land through which the street or other proposed improvement will extend, and the names and residences of the owners of such tracts respectively, so far as the same are known or ascertainable with reasonable certainty, and shall also contain a statement of the time and place of hearing as fixed by the common council, and shall also contain a statement, in substance, that all parties interested may appear at such hearing and show cause why the prayer of the petitioners should not be granted, or make objections in relation thereto. Such notice shall be served upon each owner of any part of the lands immediately affected by the proceedings, (at least five days before such hearing). If such person is found, or resides within the limits of said city, such service shall be personal, or by leaving a copy at the usual abode of the person to be served, at the time and place so fixed. The common council shall proceed to hear said petition, and all persons interested who shall have appeared and desire to contest the same. If it shall appear to the common council that the public good will be promoted by wanting [granting] such petition, they shall then and there, by resolution, direct the city attorney (or other person designated therein), to apply to the judge of the Racine county court (or in case the judge shall be interested in the land proposed to be taken, or absent or sick, or otherwise disqualified, then to a court commissioner residing in the city, who shall be named in said resolution), for the appointment of a jury to ascertain and decide upon the necessity for such proposed improvement and for taking therefor the lands described in such petition. Such application shall be made by the person so directed, on the

How notice to be served.

When petition granted application for jury to be made.

Monday next succeeding the day of such hearing, or, if such day shall be a public holiday, then on the Tuesday following at ten o'clock a. m., as near as may be, at the office of such judge.

Appointment of jury to view premises.

SECTION 3. Upon presentation of such application and proof by affidavit of the due publication and of proper evidence of due service of said notice, the said judge or commissioners, as the case may be, shall appoint twelve reputable and disinterested freeholders, residents of said city, but not of the ward wherein the lands proposed to be taken by such improvement are situated, who shall be a jury to ascertain and establish the necessity of such improvement and for taking therefor the lands specified in such petition; *provided*, that any and all persons whose lands it is proposed to take for such improvement, shall have the right to be present at the appointment of such jurors, and to challenge for cause any jurors so appointed. The said judge or court commissioner, as the case may be, shall thereupon hear and decide all such challenges and reject any and all persons so challenged, who shall be found to be interested, prejudiced or otherwise disqualified, but such objections and decisions need not be reduced to writing. Such judge or commissioner shall then appoint a sufficient number of other persons to fill the place of the persons so challenged and rejected, who shall likewise be subject to challenge, which process shall be repeated until twelve qualified jurors are appointed. Thereupon the said judge or commissioner shall issue his precept directed to the marshal of said city, requiring him to summon said jurors before such judge or commissioner forthwith, to be sworn and to view the lands so proposed to be taken, to decide upon the necessity of the proposed improvement, and of taking such lands therefor and to make due return of their verdict, as soon as the same shall be found, to the common council. Such precept shall be served by the marshal or his deputy, or in case of his absence, sickness or disability, by the sheriff of Racine county. In case any of said jurors shall fail to attend, the judge or commissioner shall in like manner appoint other jurors subject to the qualifications before specified, in place of those failing to attend, which appointment shall be annexed to or indorsed upon such precept. When such jurors are all present, they shall be sworn by the judge or commissioner faithfully and honestly to discharge their duties required by such precept, and the officer

Jurors to be sworn.

administering such oath, shall certify that the jurors are severally freeholders of the city not residing in the ward in which the lands proposed to be taken are situate, which certificate shall be indorsed upon or annexed to such precept. And it shall be the duty of every person appointed as such juror to act, unless excused for reasonable cause by the judge appointing him; and every person so appointed and duly summoned or notified to act as requried by law, who shall, without being so excused, neglect or refuse to perform his duty as such juror, shall be liable to a penalty of fifty dollars ($50), to be recovered in an action brought in the name and behalf of the city of Racine, before the circuit court of Racine county, or a justice of the peace therein, and it shall be the duty of the officers summoning such jurors, to notify the city attorney of any violation of this section; and it shall be the duty of the city attorney to prosecute any person so offending; *provided*, that no person shall be compelled to serve upon such jury more than once during the same year.

**Proceedings to continue without adjournment.**

SECTION 4. The proceedings before the county judge or the commissioners being commenced, the same shall continue without adjournment (except from day to day as necessity shall require) until a jury is appointed and qualified.

**Jury to examine lands to be taken and to hear testimony**

SECTION 5. After the jury are sworn, they shall proceed forthwith to examine the lands proposed to be taken, and to inquire into the necessity of the proposed improvement and for taking such lands therefor, or any one of their number, may apply to the judge appointing said jury to summon such witness as they or he may desire, to appear before said jury and testify as to the facts in the case; and said jury shall also hear such testimony as may be offered by any party interested, and either of the jurors shall be authorized to administer the necessary oaths to witnesses; but it shall not be necessary for such jury to reduce the testimony taken before them to writing, or to report the same.

**Duty of council in case jury decide that improvement is unnecessary.**

SECTION 6. If the verdict of the jury shall be to the effect that the proposed improvement is necessary, and that to take therefor the lands specified in the petition, the common council shall at such meeting proceed by resolution to lay out, widen or enlarge uch street, alley, public ground or square, or make uch purposed improvement, or any part thereof, as he case may be, which resolution shall describe

the same with reasonable certainty, and shall direct the city surveyor to make a survey of the same, and to establish the metes and bounds thereof, and the damages and benefits shall be assessed, collected and paid in the manner hereinafter prescribed.

Fees of officers and jurors.

SECTION 7. The county judge or court commissioner, the marshal or other officer acting in his place, shall receive three dollars ($3) each for all services for each and every case; and each juror and special commissioner two dollars ($2) per day for all services rendered by them respectively, in each proceeding under this title.

Appointment of special commissioners to assess benefits and damages.

SECTION 8. The assessment of all benefits and damages which may thereafter arise or accrue in laying out, opening, widening or altering any street, alley, public ground or square in the city, shall be made by three special commissioners, who shall be appointed and proceed with their duties as follows: The city attorney or other person designated by the council, shall apply to the judge of the Racine county court, or in case the judge shall be interested in the land proposed to be taken, absent, or for any other cause unable to attend, to a court commissioner residing in the city, for the appointment of three special commissioners for that purpose. Upon such application, the judge or commissioner, as the case may be, shall appoint three freeholders, residents of the city, but not the ward in which the lands to be taken are situated. The persons so appointed shall be subject to like challenge and objection as in the case of jurors hereinbefore set forth, and such right of challenge shall be exercised, and the place of any such commissioner challenged and rejected, shall be filled in like manner as provided in the case of jurors, and the proceedings shall conform in all respects, as near as may be, to the provisions for the appointment and qualification of a jury as enacted in this title. Such application for commissioners shall be made by the city attorney or person appointed to act in his stead, on the Monday next succeeding the passage of the resolution to lay out, widen or enlarge such street, alley, ground or square, or make such proposed improvement (or if such day shall be a legal holiday, then upon the day next following), at the office of said judge or court commissioner, at ten o'clock in the forenoon, as near as may be. Such commissioners being appointed and sworn, it shall be their duty forthwith to assess all such benefits and damages up-

on the particular lots or parcels which will be benefited or injured thereby, and shall forthwith make a report of their proceedings in detail to the common council which they shall cause to be immediately filed in the office of the city clerk, who shall lay the same before the next regular meeting of the council. And the common council shall thereupon, by resolution, direct such highway, street, alley, or public ground to be opened or such improvement to be made, and from the entering of such resolution the same shall thereupon be deemed a legal street, alley, park or improvement, as the case may be. From the time of the passage of such resolution the assessment of benefits shall be a lien upon the several lots or parcels of land upon which they are assessed, and collection thereof shall be enforced in the same manner as other taxes. The commissioners may adjourn from day to day as their duties may require, provided they shall return and file their report before the next regular meeting of the council after the day of their appointment. They shall meet and make their assessments and conduct their proceedings upon the premises to be taken or at the office of said county judge or court commissioner, as the case may be. Such commissioners shall have the power to administer oaths in taking testimony in the case.

Commissioners to make report to common council.

SECTION 9. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets or alleys, or of enlarging or widening the same, and such report, or any part thereof, shall have been confirmed by the common council and referred to the commissioners, such commissioners shall have power, in their own discretion or upon the written request of the aldermen of the ward in which such lands so to be taken are situated, to view the premises with such aldermen, and together with such aldermen to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargeable to and paid out of the ward fund of the ward in which such lots or lands are situated; and if the said commissioners and the said aldermen shall determine that any proportion of such cost should be paid out of such ward funds, they shall so report in writing to the common council stating in their report what proportion should be so paid; and

Determination as to whether cost of lands taken shall be charged to ward or to property benefited.

thereupon the common council shall have power by resolution duly passed by an affirmative vote of two-thirds of the members thereof, to order the proportion of such cost so reported by the said commissioners, and the said aldermen, or any greater or less proportion thereof, to be charged to the ward fund of the proper ward, which shall accordingly be done; and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such cost; *provided, nevertheless,* that no such resolution shall be passed or have any effect so as to charge the ward fund of any ward, unless the aldermen of such ward shall sign such report as aforesaid.

When land to be taken contains building owned by different persons.

SECTION 10. Whenever there is any building upon the land proposed to be taken, and the land and the building belong to different persons, or if the land be subject to lease, the injury done to such persons or interests, respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively, from the proposed improvement.

Parties to be heard at any time.

SECTION 11. At all stages of the proceedings mentioned in this title, all parties interested shall have the right to be heard, and to offer such proofs and objections relative to the proposed improvement, as they may desire.

Appeal to circuit court.

SECTION 12. Any person or persons owning or having any interest in any property affected by such assessment, may, within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county, by filing with the clerk of said circuit court his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond to the city of Racine, in the penal sum of five hundred dollars ($500), conditioned for the payment of all costs that shall be adjudged against him on such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, indorsed upon such bond, that he is worth five hundred dollars ($500) over and above all his debts, in property not exempt from execution; and said bond and sureties, if objected to by the city attorney, shall also be approved by the judge of said court. Such appeal shall be ineffectual, unless the appellant shall also, within said twenty days, serve a copy of his notice of appeal and bond upon the city attorney. In case of any appeal under the provisions of this section, the city clerk shall send

Duty of city clerk in case of appeal.

to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said commissioners as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal, upon their petition setting forth the nature and extent of such interests. If on such trial the benefits assessed by the commissioners shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appellant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall by their verdict award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment, and the cost, if any, recovered therewith, or make provision for the payment thereof, within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court, the time of the pending of such appeal shall not form any part of such year.

**Appeal to circuit court the only remedy.**

SECTION 13. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of the said city or its officers in the matter to which such assessment relates; and no action at law or in equity shall be had or maintained for such injuries, or on account of such acts and proceedings.

**When city may take possession of property.**

SECTION 14. Whenever the damages awarded to the owner by the report of the commissioners as confirmed by the common council, for any property condemned by said city for public use shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the comptroller in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in

all cases furnish an abstract of title, showing himself entitled to the same before they shall be paid to him. If in case there shall be any doubt as to who shall be entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties to hold said city harmless from all loss, costs, and expenses, in case any other person should claim said damages. The damages assessed by the commissioners or awarded by the verdict of the jury and judgment rendered thereon in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official paper as herein provided, within twelve (12) months after the rendering of such judgment, or after the confirmation of such assessment, by the common council. In case no appeal shall have been taken, and if not so paid, or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; *provided*, that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the commissioners from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by the commissioners to be benefited by the taking and appropriation of lands to the public use as proposed.

When damage shall be paid.

When owner is an infant or labors under legal disability.

SECTION 15. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under legal disability, the judge of the circuit court of Racine county, or in his absence the judge of any court of record in said county, may upon the application of the city attorney, or of such party, or his next friend, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

Plat of grounds laid out to be made.

SECTION 16. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate plat thereof to be made and filed in the office of the city clerk.

Proceedings of council confirmed.

SECTION 17. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council except such as have been legally vacated are hereby declared public highways.

SECTION 18. All the foregoing directions given in this chapter shall be deemed only directory; and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

Proceedings not to be invalidated by informality.

SECTION 19. The common council shall have power, and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks, within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; *provided, however*, the necessity of vacating any such highway, street, alley or public walk, or any part thereof, shall first be established by a verdict or report of a jury, in like manner as is provided for laying out public squares, grounds and streets, in this chapter.

Power of council to vacate streets, alleys, etc.

SECTION 20. All provisions of this act relating to the taking of land by said city for public purposes, shall apply to lands required for the sites of school-buildings, and for the premises attached to such buildings.

Provisions to apply to lands for school house sites.

SECTION 21. In all cases where lands in the city shall hereafter be subdivided into lots and blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same and the evidence of such approval, in the manner prescribed in the revised statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Racine county to receive such plat or map for record or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than one hundred dollars ($100) nor more than one thousand ($1,000); and the

New additions to be laid out and platted to correspond to adjacent lots and blocks, and plat to be recorded.

register of deeds who shall record such plat without such copy of a resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars ($50) nor more than one hundred dollars ($100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, shall be prosecuted for and recovered in the name of the city of Racine, and paid into the city treasury for the use and benefit of said city.

When council may take land without petition.

SECTION 22. Whenever the said common council, with the concurrence of three-fourths of the members elected thereto, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by this act, the said common council shall have power to open such public street or alley, or to take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf as in cases of petition therefor duly made; *provided*, that in cases of streets and alleys, such resolution shall also be approved by the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting thereof, and due notice thereof shall be given as hereinbefore provided, and the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of proceedings of the council.

Assessment to be advanced by appropriation from ward fund.

SECTION 23. Whenever any property shall be condemned for any of the purposes mentioned in this act, and after the assessment of benefits and damages shall have been made by the commissioners and confirmed by the common council as provided in this chapter, the common council shall have power, with the concurrence of the aldermen of the ward, to advance by appropriation from the ward fund of the ward in which the premises to be taken are situated, the amount required to pay the damages so assessed and confirmed, for the purpose of paying or tendering the same to the owner or owners of property so taken, as provided in section fourteen (14) of this chapter; and in case such advance shall have been made, the special tax collected from the property benefited

under such assessment shall be credited to said ward fund to reimburse said fund the amount so advanced.

## TITLE VI.

### CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Council to determine upon system of improvement.

SECTION 1. The common council of said city shall by the first of May of each year, or as soon as practicable thereafter, determine for each ward upon a general system of improvements for the year ensuing, and said system shall be carried out and not materially deviated from except in case of necessity.

Power of council to make public improvements.

SECTION 2. The common council may cause any street, alleys or public ground in said city to be graded, paved, macadamized or graveled and may cause the construction of sewers, and order the expense of such improvements to be ascertained, and the cost of such work or improvement to be levied and charged against the lots or real estate fronting or abutting on such street, alley or public ground to the amount which such improvement shall be adjudged by the common council to benefit such lots. The common council may also direct, cause and require the construction of gutters and sidewalks and the grading thereof and the repairing of the same, and cause the expense thereof to be charged and levied against and collected as a special tax from the particular lots or parcels of land in front of which such gutter or sidewalk shall have been graded, constructed or repaired, and may cause, direct and require the dredging of the harbor, and the building, erection and repairing of docks along the river or its tributaries, and cause the same to be charged and levied against and collected from the particular lots or real estate in front of which such work shall be done, in the manner hereinafter provided. The expense of all such improvements or works across streets at their intersections with streets and alleys and across public grounds and to the middle of streets and alleys adjacent to public grounds, shall be paid out of the fund of the ward, in which such improvements are made, or such works are done, and the expense of maintaining, renewing, keeping in repair and cleaning all streets, and the pavement or other surface thereof in all cases where such streets shall have been constructed to the grade established by the common council, and graveled, planked, macadamized or paved as required by

From what sources expenses of improvements payable.

the common council at the expense of the lots fronting or abutting on such streets, and of the ward fund, as hereinbefore provided, shall be paid out of the ward fund of the respective ward; *provided*, that when a street which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to, and payable by, the lots fronting and abutting upon said street, as hereinbefore provided for the first improvement of a street; *and further provided*, that when a change in the grade of any street shall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to, and paid by special assessment on, the lots or property fronting or abutting on the street of which the grade shall be so changed.

What expenses payable from ward funds.

SECTION 3. The building and repairing of crosswalks and the laying and repairing of drains to carry the surface-water at the intersection of streets, the construction and repair of sidewalks adjoining any public ground or square, the cleaning of the streets, and the improvement of the streets by leveling and putting them into proper condition, when not over two feet of filling or grading is required; the lighting of the streets, the building and maintaining of public cisterns or reservoirs, shall be chargeable to the respective ward funds; *provided*, that not over one thousand dollars ($1,000) shall be expended by any ward in any one year for the purposes provided for in this section; *and further provided*, that the building and repairs of sidewalks around school-house and engine-house sites shall be a city charge.

Building and repair of bridges and culverts.

SECTION 4. The swing bridges now crossing Root river shall be maintained at the expense of the city out of the general bridge fund, and the common council shall have power to build and maintain additional swing bridges across Root river, not exceeding two; and such culverts across any water-course in said city as may be necessary, not exceeding two in any one year; *provided*, that not more than one swing bridge shall be built in any one year; *and provided*, that the estimated cost of such bridge or culverts shall have been raised or provided for or levied as a general tax for such purpose on the taxable property of said city.

Expenses chargeable to city.

SECTION 5. The cleaning, fencing and ornamenting of the public parks and grounds shall be chargeable to the city.

SECTION 6. Whenever the common council shall deem it necessary to grade or otherwise improve any street, alley, or public ground, or to dredge or dock any part of the river, or to abate any nuisance caused by stagnant water in said city, or lay or construct any sewer, they shall cause to be made an estimate of the costs of such work, and shall put the same on file in their office; and such estimate shall be open to the inspection of any party interested. The common council may order such work to be done; *provided*, that no such work chargeable to lots or parcels of land fronting or abutting on the same, except repairs, and except docking and dredging, and grading and building of sidewalks and gutters shall be ordered unless a petition therefor shall first be presented to the common council signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvements owned by residents of such city: or unless, in the absence of such petition, the resolution of the common council ordering such work shall receive the votes of three-fourths of the aldermen elected, and shall declare why it is necessary for the public interest to proceed without such petition; but no such resolution ordering work without a petition therefor shall be passed at the same meeting in which it is first considered, but the same shall lie over until a future meeting of the common council, and the vote on its passage shall be taken by yeas and nays and duly entered in the journal of proceedings. However, in case the majority of feet in front of all the lots in any one block fronting on the proposed improvements are owned by non-residents of such city, then such work may be ordered upon the petition of the resident owners of a majority of feet in front of any adjoining block, or of the block opposite; *provided*, such owners of lots so petitioning for such work shall have petitioned for or shall have done similar work in front of the lots owned by them respectively, in such adjoining or opposite block. Every person in the actual possession of real estate in the said city under a valid contract in force for the purchase thereof from the owner, shall be held in virtue thereof to be a freeholder, within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident, or as the owner of property, shall be required to write after his signature thereto, a

**Council may order improvements of streets, etc. to be done.**

**Proviso.**

**When majority of property owned by non-residents.**

brief description of the property so owned by him, and of the place of his residence in said city, and to annex thereto an affidavit that he is such resident or owner or both in the city or ward, as the case may be; and thereupon he shall be taken to be such resident or owner, or both, and such petition shall be as valid and have the same effect as if such person were the owner of such property, or a resident of the city or ward as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

Council to assess cost of work against lots and parcels of land fronting improvement.

SECTION 7. Before ordering any such work to be done by the owners of lots or lands fronting on the same, the common council shall ascertain and consider the amount proposed to be made chargeable against said several lots or pieces of land, and the benefits which in their opinion will actually accrue to the owners of the same, in consequence of such improvement, and shall assess against the several lots or pieces of land or parts of lots or pieces of land, which they may deem benefited by the proposed improvement, the amount of such benefit which those lots or pieces of land will severally, in the opinion of the common council, derive from such improvement when completed in the manner contemplated the estimate of the cost of such work, made as provided by section six of this title, taking into consideration in each case any injury which, in the opinion of the council, may result to each lot or piece of land from such improvement; and in case the benefits, in their opinion, amount to less than the cost of the improvement, the balance shall be paid out of the ward fund of the ward or wards in which such improvement is made; *provided*, that the making of such improvement and using the ward fund therefor, shall be approved by the aldermen of the ward interested.

Council to give notice to parties interested.

SECTION 8. As soon as any assessment of benefits or damages, or of both, shall be made as in the preceding sections of this chapter provided, the common council shall give notice to all parties interested, by advertisement for not less than two weeks, in the official paper of said city, that such assessment has been made and is ready for inspection in their office, and that the same will be open for review and correction by the city council, at two successive regular meetings of the common council, for not less than three (3) weeks after the first publication of such notice, that all persons interested will then be heard by

the council in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has been made for, and in what locality, and no further notice or publication of such assessment shall be necessary. At the meeting mentioned in such notice, the council shall hear objections and evidence, and they shall have power to review, modify and correct such assessment in such manner as they shall deem just, at any time during such review.

Council to hear objections.

SECTION 9. Thereupon, as soon as the common council shall have completed such assessment of benefits and damages, the city comptroller shall give notice for two weeks in the official city papers, to the owner or owners of any lot or parcel of land fronting upon any such improvement to be made, requiring him or them to do the work mentioned in such notice, within a reasonable time to be therein specified; and if such work shall not be done within such time, the common council shall contract for the doing of the same as hereinbefore provided. Said contract shall require the contractor to receive certificates upon or against the several lots, parts of lots, or parcels of land which may be assessed with benefits on account of the same, to apply in payment of the contract price as now provided by law; *provided*, that in any case when the contract price of the work to the center of the street or alley, done opposite to any lot or parcel of ground, shall exceed the benefits assessed to such lot, the excess shall be paid out of the ward fund of the ward in which such lot, part of lot or parcel of land shall be situated. In fixing the time within which such work is by such notice required to be done, the common council shall take into consideration the amount of work to be done, and the conveniences and facilities of the parties for doing the same.

Comptroller to notify lot owners to perform work.

Work to be let by contract and certificates issued therefor

SECTION 10. The owner of any lot or tract of land or tenement, who feels himself aggrieved by such assessment as made by the common council as to the amount of benefits thereby adjudged to accrue to him by reason of any improvements charged against his lot or parcel of land, or the amount of damages, costs and charges arising to such owner from an alteration on grade, may within twenty days after such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for

Appeal to circuit court.

costs shall be given and costs awarded therein in like manner as in cases of appeals to the said circuit court provided for in title five, of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken; and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged shall be paid by the city out of the proper ward fund to the appellant, but not until he shall have done the work in question or have paid the certificate issued for doing the same. The amount assessed by the common, council or finally adjudged on appeal for damages, costs and charges, arising from an alteration in a grade in excess of the amount charged against property deemed benefited shall be paid by the city out of the proper ward fund to the person or persons thereto entitled within one year of the assessment by the common council, or after final judgment therefor rendered by the court on appeal as aforesaid; *provided*, that the time during which an appeal from such judgment may be pending in the supreme court shall not be deemed part of the year so limited.

**Appeal to be only remedy.**

SECTION 11. The appeal given by the last preceding section from the assessment of the common council to the said circuit court shall be the only remedy for the recovery of any damages, costs and charges arising from any alteration of grade by the said city, or sustained by reason of any proceedings or acts of the said city, or its officers, in the matter to which assessment of damages or benefits relates; and no action at law shall be maintained for such damages or injuries, whether arising from an alteration of grade or otherwise.

**Certificate to be issued to contractor, and how payment on same to be made.**

SECTION 12. After the completion and performance of any contract entered into by the common council for work chargeable to the lots or lands fronting thereon, or to other lots upon which assessments of benefits have been made therefor by virtue of this act, they shall give to the contractor or contractors a certificate signed by the mayor and countersigned by the comptroller stating the amount of work done by such contractor, the nature thereof and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all the certificates issued against

lots and countersigned by him, which said certificates may be paid by the owner or owners of such lots, at any time before the sale of such lots for the non-payment of taxes, to the city treasurer, who shall receive the amount paid on such certificates, and hold the same for the benefit of the owners of such certificate, and such owners shall be entitled thereto, upon producing and surrendering such certificates to be cancelled, and if the amount thereof shall not be be paid before the time of the making out the annual tax list, the same shall be assessed upon said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificates, as other taxes on real estate are collected as provided by law; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this title, shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates shall draw interest at the rate of twenty-five per cent. per annum upon the amount named in the same, from the time when such lots or lands shall be sold by the city treasurer as required by law, for and on account of such certificate liens, and may be transferred by the person or persons to whom the same may be issued, by the endorsement of his or their names thereon; and such transfer shall in no way affect or impair the lien given by this act, but shall transfer to the assignee all the rights of the assignor.

Assessment not to be vitiated by informality.

SECTION 13. In all cases where the common council shall have issued a certificate for work done on any street, sidewalk or alley, chargeable to the lots of lands, according to the provisions of this act, and the lot or tract of land described in such certificate shall have been subdivided prior to the date of such certificate, then the work certified to in such certificate shall be chargeable to that subdivision of such lot or tract of land which fronts on the street, sidewalk or alley on which such work shall have been done according to law; and it shall be lawful for the city treasurer, in collecting the special taxes assessed by reason of the issue of such certificates, to collect the amount named in such certificate from that subdivision of lot or tract of land which fronts on the street or alley

When lot shall have been subdivided prior to issue of certificate.

named in such certificates, and on which said work was done according to law.

When snow not removed by lot owners, authorities to remove same.

SECTION 14. Whenever snow shall fall upon any of the sidewalks of the said city so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four (24) hours after the snow shall have ceased falling, then the common council shall have power forthwith, without notice, to employ persons or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city where they shall by resolution declare it to be necessary, and to assess the cost thereof against lots or parts of lots and parcels of land abutting on such sidewalk or part of sidewalk, in the manner hereinafter directed.

Cleaning and repair of streets alleys, etc.

SECTION 15. It shall be the duty of the common council to cause the streets, alleys, sidewalks and gutters in the city to be kept in proper repair, and in a cleanly and wholesome condition at all times, and for this purpose they are empowered to employ the necessary labor, or to contract pursuant to law for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of alleys, sidewalks and gutters shall be chargeable to and paid out of the respective ward fund, and the common council are also hereby empowered to cause sidewalks and gutters to be built, repaired or to be taken up and relaid with new or part new and part old materials of the kind previously laid down, and to assess the expense thereof against the lot or piece of land in front of which work may be done, in the manner hereinafter provided; *provided, however*, that before causing such work of building, repairing or relaying sidewalks as aforesaid, said council shall make an order particularly describing the work to be done, and shall give public notice for at least two weeks in the official paper, to all persons interested, that such building, repairs or relaying are necessary, and giving specifications of the same; and that such persons so interested can make such repairs, or relay or build such sidewalks or gutter, at any time within twenty (20) days from the first publication of such notice, after which time all such repairs or relaying or building of such sidewalk or gutter, remaining undone, will be done under the direction of the common council, and the expense thereof assessed against the lots or parts of lots, or parcels of lands, respectively, in

Council to give notice of work to be done.

front of which such repairs and relaying, or work shall be done; and said council is hereby empowered to cause such unfinished work to be done by contract, or by men in their employ; and no petition for any such repairing or relaying, or building of such sidewalk, and no further notice for doing such work shall be necessary; *provided*, that in all cases in which notice is required under this section, if the lots, parts of lots, or parcels of land affected shall have any building or buildings thereon, actually occupied, the common council shall first cause written or printed notice requiring the building of such sidewalk or such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings; and only in case such repairs shall not be made within the said time by such occupants, shall the common council have power in such cases to procure the same to be made, as provided in this section.

When sidewalk dangerous to persons passing, council to order its repair forthwith.

SECTION 16. Whenever any sidewalk or part of any sidewalk shall, in the judgment of the common council, declared by resolution to that effect, be in a dangerous condition to persons passing over it for want of being repaired or remade, they shall have power to order the same to be be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same for a fair price and charge the expense thereof to the lots, parts of lots or parcels of land abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots, or parcels of land, without any estimate, notice, letting or other proceeding preliminary to the doing of such work, except the resolution of said council so declaring such sidewalk to be dangerous.

Abatement of nuisances and removal of filth

SECTION 17. Whenever any nuisance, source of filth or cause of sickness shall be found on private property, or in the alley in front or rear of such property, the common council may order the owner or occupant thereof, at his own expense, to remove or abate the same within twenty-four hours from the date of the order, or within such time as may be named in said order; and if the owner or occupant shall refuse or neglect so to do within the time named in said order, then the common council shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed at the expense of

the owner or occupant of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth, or cause of sickness may be found.

Expenses of repairs to be charged against adjacent lots.

SECTION 18. In all cases mentioned in sections fourteen, fifteen, sixteen and seventeen of this title, or in either of said sections, wherein the common council are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front or rear of which such work may be done, the expense of such work may, in the first place, be defrayed out of the ward fund of the proper ward. The common council shall cause to be kept a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof for each ward in said city, and a description of the lots, parts of lots or parcels of land in front or rear of, or upon which work chargeable thereto under either of said sections shall have been done by said council under authority thereof, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor; and such amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the ward fund of the ward in which the property is situated.

WARD EXPENDITURES.

Aldermen to have special care of streets.

SECTION 19. The aldermen of each ward shall have the special care of streets, alleys, sidewalks and public grounds in their respective wards, and the common council shall from time to time appropriate from the respective ward funds such sums to be expended by the aldermen of each ward for proper ward purposes as may be deemed necessary.

Aldermen may give orders on city treasurer against ward funds.

SECTION 20. The aldermen of each ward may draw on the sums appropriated from their respective ward funds by orders directed to the city treasurer and countersigned by the comptroller, and said orders shall specify the purpose for which they are drawn, and shall be drawn to the order of the person entitled to the same.

Limit of ward indebtedness.

SECTION 21. No alderman of any ward shall contract any debts against such ward in excess of the tax levied

to meet the current expenses thereof for the year, or draw or issue any orders in excess of the appropriation made by the common council from such ward fund; and all debts incurred or orders drawn in violation of this section shall be no charge against such ward nor the city, but the aldermen guilty of the violation shall be held personally liable to any person injured thereby.

Aldermen to make monthly reports of liabilities incurred.

SECTION 22. The aldermen of each ward shall at the first meeting of the common council in each month, report the liabilities incurred against their respective wards, and in detail the orders by them drawn during the month last passed on the ward appropriation.

Aldermen may contract for lighting of streets, etc.

SECTION 23. The common council may authorize the aldermen of the respective wards to contract for the lighting of the streets, and for the building of public reservoirs or cisterns, but all such contracts, before they shall have any validity, shall be approved by the city council, and be countersigned by the city comptroller; *and provided*, that no liability shall be created against any ward fund in excess of the tax levied for ward purposes.

Street commissioners.

SECTION 24. The common council may appoint for each ward a street commissioner, to oversee and direct the repairs of streets, alleys and sidewalks, whose duty it shall be to report to the aldermen of his ward the condition of the streets, alleys and sidewalks, and to make such recommendation as he may deem proper, and to prevent and report any encroachments or unauthorized encumbering of any street, sidewalk or alleys; and to report and make complaint against all persons who shall be guilty of depositing any earth, rubbish, filth or other matter on any street, sidewalk, alley or public ground, or of injuring or digging up any street, alley, sidewalk or public ground in his ward. Such street commissioner shall receive a compensation, to be paid out of the respective ward fund, not exceeding two dollars ($2) per pay and not exceeding one hundred dollars ($100) in any one year.

THE CITY SURVEYOR.

City surveyor.

SECTION 25. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and shall perform the duties required of him by this act, and by the common council. All surveys, profiles, plans and

estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Surveyor to make recommendations to council.

SECTION 26. It shall be his duty when required to make surveys, profiles, plans and estimates for the grading of any street, alley or ground, for the building or construction of reservoirs, sewers and drains, and to make such recommendations to the common council or aldermen of any ward, as he may deem proper, to examine any public work or improvement, done by contract for any ward or the city, and make true report thereof to the common council.

Surveys to be evidence.

SECTION 27. All surveys of streets, alleys, or public grounds in said city, made by the city surveyor, by order of the common council, shall be *prima facie* evidence of their correctness in all courts of this state.

## TITLE VII.

### THE HARBOR.

Power of council to establish dock and wharf lines.

SECTION 1. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of Root river, in said city. Whenever the same are not established, to restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said river, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

Power of council to build docks and protect banks of streams.

SECTION 2. The common council shall have power to dock and require the docking of Root river within the limits of said city, and to protect and require the protecting of the banks of any stream or creek [illegible] tying in said river, so as to prevent t[illegible] away of such banks, and to prevent [illegible] obstructions from washing into said [illegible] by ordinance, require the docking [illegible]

said river, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water emptying into said river, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said river, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting by contract to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in sections twelve (12) and thirteen (13), of title VI, of this act.

Power of council to provide for dredging of river.

SECTION 3. Said city council shall have power to provide by ordinance for dredging Root river, and to require of the owners of lots or lands abutting on said river to dredge the same opposite such lots to the width of fifty (50) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said river may be deposited upon such lot or lots, or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect within the time specified by said council to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the river to be dredged to the same depth, in front of streets and other places in said river where such dredging shall be chargeable against the city contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots or land in front of which such dredging has been done, and the mayor and city comptroller shall issue a certificate to such contractor as provided in sections

twelve (12) and thirteen (13), of title VI, of this act for the contract price of the work, which certificate shall from time to time be a lien upon said lot or lots the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected; but no part of the expenses of any such dredging shall be paid by the city.

Appointment of harbor master.

SECTION 4. The common council shall annually appoint a harbor-master on whom may be conferred the the duties of bridge-tender. The duties and compensation of such harbor-master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

## TITLE VIII.

### BOARD OF HEALTH.

Appointment of board of health and duties of same.

SECTION 1. It shall be the duty of the mayor of the city of Racine to appoint annually on the third Tuesday in April, or within one week after entering upon the duties of his office, a committee consisting of three persons, who shall be known as the board of health of said city, and whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Clerk of board of health.

SECTION 2. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules regulations and proceedings of said board, in a book to be provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of said city shall be received as evidence in all courts and places.

Health officer—powers and duties of.

SECTION 3. The common council shall have power to appoint, and at pleasure to remove, a health officer for said city, to define his general duties, and in case of necessity, to provide for the necessary assistance to him, and fix the compensation of such appointees and employes. The board shall have power to authorize such health officer to exercise any or all of the powers conferred on them, and all directions and orders of

the health officer made under such authority of the board of health shall have the same force and effect as if made by the said board.

SECTION 4. The said board of health and health officers, or any person acting under their orders, shall have authority to enter into and examine at any time all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof so far as the public health may be effected thereby.

Board of health and health officer to enter building.

SECTION 5. The board of health shall give all such directions and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell or tending to cause sickness or disease, as in their opinion shall be deemed necessary, and they may do or cause to be done whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order shall, on complaint of the board of health, or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars ($100), or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Power of board of health to compel cleansing of buildings and lots.

SECTION 6. It shall be lawful for the board of health, in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances which may exist upon the property of non-resident owners or upon property, the owners of which cannot be found or are unknown and cannot be ascertained, to be abated or removed in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall be a lien in the the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be abated or removed; the board of health, by their president, shall certify to the comptroller the description of such property and

Authority of board of health to cause nuisances to be abated at expense of city.

Expense to be assessed against property.

the cost of abating or removing such nuisance or nuisances thereon, and the comptroller shall include the same in his annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; *provided*, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

Authority of board of health to cause destruction of substances dangerous to health, and to care for persons with contagious diseases.

SECTION 7. It shall be the duty of the board of health, by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100), or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and provisions, and to forbid and prevent any communication with any house or family infected with any contagious disease, except by physicians and nurses.

Authority of board of health to prevent carrying on of business dangerous to public health.

SECTION 8. It shall be the duty of the board of health, on complaint being made to them, or whenever they shall deem any business, trade or profession, carried on by any person or persons, or corporation in the city of Racine, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice, why such business, trade or profession should not be discontinued or re-

moved, which notice shall not be less than three days (except that in cases of epidemic or pestilence the board of health may, by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business or residence of the parties to be affected thereby. Cause may be shown, by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

Penalty for refusing to obey order of board of health.

SECTION 9. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars ($100) or by imprisonment of not more than three months, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she or they, shall continue such business, trade or profession after the expiration of the time specified in the order of the board of health, for the discontinuance or removal of the same.

What deemed evidence of service.

SECTION 10. In all trials for violation of the provisions of this title, the ex parte affidavit of service of any order, notice or requirement of the said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as prima facie evidence of the due service of such order, notice or requirement, in all trials in any court.

Fines to belong to contingent fund.

SECTION 11. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury and credited to the contingent fund.

Powers of board of health during epidemics.

SECTION 12. The board of health, during the prevalence of Asiatic cholera, or of any epidemic disease, shall have power, when by them it is deemed necessary, to take possession of and occupy as temporary hospitals, any building or buildings in the said city; but the city of Racine shall pay for the use of such property so taken, a just compensation.

Duty of practicing physicians.

SECTION 13. It shall be the duty of each and every practicing physician in the city of Racine: 1st. Whenever required by the board of health of said city

to report to said board, at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physician for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease. 2d. To report in writing to said board of health every patient he shall have, laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. 3d. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Penaly for neglect of duty as physician.

SECTION 14. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this title, shall be considered guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars ($100) for each offense.

Board to provide for compensation of officers.

SECTION 15. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said board of health are authorized to appoint by this title, and for all other necessary expenses incurred by said board in the performance of the duties prescribed in this title, and such expenses shall be audited and allowed, and paid as other expenses of said city.

Council to define duties of board of health

SECTION 16. The common council of the city of Racine shall have power to further define the duties of the board of health, and to pass such ordinances in aid of the powers of the board of health as may tend to promote and secure the general health of the inhabitants of said city.

Duty of city officers to aid board of health

SECTION 17. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers, and all citizens of the state to aid, to the utmost of their power, the board of health and the officers mentioned in this title, in the performance of their respective duties, and on requisition of the president of said board of health officers, it shall be the duty of the police of said city

to serve the notices of said board, and to perform such other duties as such board may require.

## TITLE IX.

### OF THE POLICE, AND EXECUTION OF THE LAWS AND ORDINANCES.

Duties of city marshal.

SECTION 1. Before entering upon the duties of his office, the marshal shall execute to the city a bond in the sum of two thousand dollars ($2,000), with two or more sureties, to be approved by the city council, conditioned for the faithful performance of the duties of his office. Said marshal shall have the same power to serve and execute all processes, civil and criminal, as is or shall be given by the general laws of the state to constables and shall be authorized to collect and receive for like services. Any person who shall be found in or upon the public streets, alleys or grounds or public places in said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, or of any improper noise or disturbance or indecent exposure of his person, or of firing any gun or pistol, or of fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and it shall be the duty of the city marshal and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person offending as aforesaid, or who shall in any other manner be engaged in violating any provisions of this act or any ordinance made or to be made in pursuance thereof, or any ordinance existing at the time of the passage of this act, and herein declared to be in full force until altered or repealed, and said justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act, or in any ordinances in force in said city, where no other punishment is specified by law or by any ordinance of said city, shall be punished by a fine of not less than three dollars ($3), nor more than fifty dollars ($50), and costs of prosecution, or by imprisonment in the county jail or city-lock up not less than three days nor more than fifty days, in the discretion of the justice. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and ex-

What acts considered as misdemeanors and penalty for same.

Persons to be discharged upon payment of fine and costs.

the owner or occupant of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth, or cause of sickness may be found.

Expenses of repairs to be charged against adjacent lots.

SECTION 18. In all cases mentioned in sections fourteen, fifteen, sixteen and seventeen of this title, or in either of said sections, wherein the common council are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front or rear of which such work may be done, the expense of such work may, in the first place, be defrayed out of the ward fund of the proper ward. The common council shall cause to be kept a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof for each ward in said city, and a description of the lots, parts of lots or parcels of land in front or rear of, or upon which work chargeable thereto under either of said sections shall have been done by said council under authority thereof, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor; and such amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the ward fund of the ward in which the property is situated.

WARD EXPENDITURES.

Aldermen to have special care of streets.

SECTION 19. The aldermen of each ward shall have the special care of streets, alleys, sidewalks and public grounds in their respective wards, and the common council shall from time to time appropriate from the respective ward funds such sums to be expended by the aldermen of each ward for proper ward purposes as may be deemed necessary.

Aldermen may give orders on city treasurer against ward funds.

SECTION 20. The aldermen of each ward may draw on the sums appropriated from their respective ward funds by orders directed to the city treasurer and countersigned by the comptroller, and said orders shall specify the purpose for which they are drawn, and shall be drawn to the order of the person entitled to the same.

Limit of ward indebtedness.

SECTION 21. No alderman of any ward shall contract any debts against such ward in excess of the tax levied

to meet the current expenses thereof for the year, or draw or issue any orders in excess of the appropriation made by the common council from such ward fund; and all debts incurred or orders drawn in violation of this section shall be no charge against such ward nor the city, but the aldermen guilty of the violation shall be held personally liable to any person injured thereby.

Aldermen to make monthly reports of liabilities incurred.

SECTION 22. The aldermen of each ward shall at the first meeting of the common council in each month, report the liabilities incurred against their respective wards, and in detail the orders by them drawn during the month last passed on the ward appropriation.

Aldermen may contract for lighting of streets, etc.

SECTION 23. The common council may authorize the aldermen of the respective wards to contract for the lighting of the streets, and for the building of public reservoirs or cisterns, but all such contracts, before they shall have any validity, shall be approved by the city council, and be countersigned by the city comptroller; *and provided*, that no liability shall be created against any ward fund in excess of the tax levied for ward purposes.

Street commissioners.

SECTION 24. The common council may appoint for each ward a street commissioner, to oversee and direct the repairs of streets, alleys and sidewalks, whose duty it shall be to report to the aldermen of his ward the condition of the streets, alleys and sidewalks, and to make such recommendation as he may deem proper, and to prevent and report any encroachments or unauthorized encumbering of any street, sidewalk or alleys; and to report and make complaint against all persons who shall be guilty of depositing any earth, rubbish, filth or other matter on any street, sidewalk, alley or public ground, or of injuring or digging up any street, alley, sidewalk or public ground in his ward. Such street commissioner shall receive a compensation, to be paid out of the respective ward fund, not exceeding two dollars ($2) per pay and not exceeding one hundred dollars ($100) in any one year.

THE CITY SURVEYOR.

City surveyor.

SECTION 25. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and shall perform the duties required of him by this act, and by the common council. All surveys, profiles, plans and

estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Surveyor to make recommendations to council.

SECTION 26. It shall be his duty when required to make surveys, profiles, plans and estimates for the grading of any street, alley or ground, for the building or construction of reservoirs, sewers and drains, and to make such recommendations to the common council or aldermen of any ward, as he may deem proper, to examine any public work or improvement, done by contract for any ward or the city, and make true report thereof to the common council.

Surveys to be evidence.

SECTION 27. All surveys of streets, alleys, or public grounds in said city, made by the city surveyor, by order of the common council, shall be *prima facie* evidence of their correctness in all courts of this state.

## TITLE VII.

### THE HARBOR.

Power of council to establish dock and wharf lines.

SECTION 1. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of Root river, in said city. Whenever the same are not established, to restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said river, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

Power of council to build docks and protect banks of streams.

SECTION 2. The common council shall have power to dock and require the docking of Root river within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said river, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said river, and may, by ordinance, require the docking of the banks of

said river, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water emptying into said river, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said river, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting by contract to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in sections twelve (12) and thirteen (13), of title VI, of this act.

Power of council to provide for dredging of river.

SECTION 3. Said city council shall have power to provide by ordinance for dredging Root river, and to require of the owners of lots or lands abutting on said river to dredge the same opposite such lots to the width of fifty (50) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said river may be deposited upon such lot or lots, or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect within the time specified by said council to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the river to be dredged to the same depth, in front of streets and other places in said river where such dredging shall be chargeable against the city contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots or land in front of which such dredging has been done, and the mayor and city comptroller shall issue a certificate to such contractor as provided in sections

twelve (12) and thirteen (13), of title VI, of this act, for the contract price of the work, which certificate shall from time to time be a lien upon said lot or lots the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected; but no part of the expenses of any such dredging shall be paid by the city.

Appointment of harbor master.

SECTION 4. The common council shall annually appoint a harbor-master on whom may be conferred the the duties of bridge-tender. The duties and compensation of such harbor-master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

## TITLE VIII.

### BOARD OF HEALTH.

Appointment of board of health and duties of same.

SECTION 1. It shall be the duty of the mayor of the city of Racine to appoint annually on the third Tuesday in April, or within one week after entering upon the duties of his office, a committee consisting of three persons, who shall be known as the board of health of said city, and whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Clerk of board of health.

SECTION 2. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules regulations and proceedings of said board, in a book to be provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of said city shall be received as evidence in all courts and places.

Health officer—powers and duties of.

SECTION 3. The common council shall have power to appoint, and at pleasure to remove, a health officer for said city, to define his general duties, and in case of necessity, to provide for the necessary assistance to him, and fix the compensation of such appointees and employes. The board shall have power to authorize such health officer to exercise any or all of the powers conferred on them, and all directions and orders of

the health officer made under such authority of the board of health shall have the same force and effect as if made by the said board.

SECTION 4. The said board of health and health officers, or any person acting under their orders, shall have authority to enter into and examine at any time all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof so far as the public health may be effected thereby.

Board of health and health officer to enter building.

SECTION 5. The board of health shall give all such directions and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell or tending to cause sickness or disease, as in their opinion shall be deemed necessary, and they may do or cause to be done whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order shall, on complaint of the board of health, or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars ($100), or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Power of board of health to compel cleansing of buildings and lots.

SECTION 6. It shall be lawful for the board of health, in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances which may exist upon the property of non-resident owners or upon property, the owners of which cannot be found or are unknown and cannot be ascertained, to be abated or removed in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall be a lien in the the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be abated or removed; the board of health, by their president, shall certify to the comptroller the description of such property and

Authority of board of health to cause nuisances to be abated at expense of city.

Fire marshal to make report

fire marshal shall annually on the first Monday in March report to the common council the condition of the fire department and make such recommendation as he may deem advisable, and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus, engines, carts, hose, ladders and tools belonging to the fire department.

Tax upon insurance agents and companies.

SECTION 6. There shall be paid to the treasurer of the city of Racine on or before the first day of February in each year by every person who shall act in said city as agent for or in behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against losses or injury by fire, the sum of two dollars upon each hundred dollars and at that rate upon the amount of all premiums, which, during the year, or part of a year, ending on the next preceding first day of January, shall have been received by such agent or person or company, or by any other person or persons for him or it, or which shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise, or by such company, against loss or injury by fire in said city.

Insurance agents to give bonds that correct report will be made.

SECTION 7. No person shall in said city of Racine, as the agent or otherwise for any individual or individuals, association or corporation, agree to effect, or effect any insurance upon which the duty mentioned in the next preceding section is required to be paid, or as an agent or otherwise procure such insurance to be effected unless he shall have first executed to said city of Racine and delivered to the comptroller of said city a bond to be approved by such comptroller in the penal sum of one thousand dollars ($1,000), with sureties to be approved by said comptroller, conditioned that he will render to said comptroller on or before the first day of February of the next succeeding year a just and true account verified by his oath that the same is just and true, of all premiums which during the year ending on the first day of January preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in said city which shall have been effected or promised by him or agreed or promised by him to be effected, from any individual, individuals, association or corporation, and that he will on such first day of February pay to the treas-

urer of said city, for the use of said city, two dollars ($2.00) upon every hundred dollars ($100), and at that rate upon the amount of such premiums.

Penalty for doing insurance business without filing bond.

SECTION 8. Each and every such agent shall file such a bond with said city comptroller annually on the first secular day of January in each year; and every person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section of this title, without having given such bond, shall forfeit and pay to the city of Racine for each offense, and for each insurance so effected, or agreed, or promised to be effected, the sum of one hundred and fifty dollars ($150); such sums may be recovered by said city in a civil action, and said city may maintain an action on such bond or against such agent to recover all moneys required by section six (6) of this title, to be paid into the city treasury.

Arrest of persons for disobedience of orders at fires.

SECTION 9. Whenever any person shall refuse to obey any lawful order of the mayor or of any fire marshal, alderman, or policeman, at any fire, it shall be lawful for the officer giving such order to arrest or to direct orally any policeman, constable, watchman, or any citizen to arrest such person, or to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest or confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars ($15).

## TITLE XII.

### SALARIES.

Salaries of officers.

SECTION 1. Salaries shall be fixed by the common council to the several and respective officers of the said city mentioned in this section for all services during the term of their service, not to exceed the following rates per annum, to-wit: To the city clerk and *ex-officio* comptroller, eight hundred dollars ($800). To the city treasurer for collecting city taxes and all city funds, and paying out all city funds, three hundred dollars ($300). To the city attorney,

four hundred dollars ($400). The assessors, each two hundred dollars ($200). To the fire marshal of the fire department, four hundred dollars ($400). To the assistant fire marshal, one hundred dollars ($100). To each engineer of fire steamer, four hundred and fifty dollars ($450). To the chief of police, six hundred dollars (600.) To the superintendent of poor, two hundred dollars ($200). To the harbor-master, acting also as bridge-tender, five hundred and fifty dollars ($550). To bridge-tenders, four hundred and fifty dollars ($450) each. To the city marshal, two hundred dollars ($200). All salaries of officers and others, which are not fixed absolutely by this act, shall be fixed by the common council by ordinance subject to the limitations herein prescribed. The salaries and allowance above mentioned, and which shall be fixed as aforesaid by the common council, shall be accepted by such officers and others respectively as their sole compensation for the services for which such salaries are allowed.

When salaries payable.

SECTION 2. All salaries paid by the said city to officers and others, shall be payable monthly at the end of each and every month by warrants on the city treasurer signed by the mayor and countersigned by the clerk and comptroller, except assessors, who shall be paid at the conclusion of their duties each year.

## TITLE XIII.

### FINANCES AND TAXATION.

Levy of tax by council—for what purposes.

SECTION 1. The common council of said city in addition to the powers and duties imposed upon them, shall levy an annual tax upon all the taxable property in said city, sufficient to pay the salaries of the officers of said city, as in this act provided, and to pay the interest on the public debt, and to provide for the sinking fund as provided by law, and to cover the appropriation hereinafter named. 1. For school purposes, including repairs of school-houses, and all incidental school expenses, a sum not exceeding twenty-two thousand dollars ($22,000.00). The amount received from the state school funds, tuition, from tax certificates belonging to the city school fund, as well as all other school moneys received from all other sources, shall be added to the amount of said annual school tax. 2. A sum not exceeding three thousand

dollars ($3,000) for harbor purposes. 3. A sum not exceeding two thousand three hundred dollars ($2,300) per annum for the repair of bridges and building of culverts in said city. 4. A sum not exceeding four thousand dollars ($4,000) per annum for the support of the fire department. 5. A sum not exceeding five thousand dollars ($5,000.00) per annum to be set apart as a contingent fund. No part of the contingent fund shall be used for dredging the harbor. All delinquent taxes shall be charged against the contingent fund. 6. A sum not exceeding one thousand dollars ($1,000) per annum for the support of the poor of said city. 7. A sum not exceeding fifteen hundred dollars ($1,500) for a police fund. 8. A sum not exceeding one thousand dollars ($1,000) may be levied annually on the taxable property of each of the wards of said city for ward purposes of the respective wards; *provided*, that a larger sum may be raised in any ward if such sum shall not exceed one mill of the assessed valuation of the taxable property of such ward; *provided also*, that the second ward may raise fifteen hundred dollars ($1,500) annually, one-half of said amount to be used for lighting the streets of said ward. 9. All licenses, moneys, fines, penalties and forfeitures shall be paid into the city treasury, and be credited to the poor fund, from which such amounts as shall not be needed for the support of the poor of said city may from time to time be transferred to the contingent fund, whenever necessity shall require it.

What funds under control of council.

SECTION 2. All funds in the city treasury, except school funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, duly authorized by a vote of the common council, and countersigned by the city comptroller, except in the case in this section mentioned, to wit: The common council may provide by ordinance for the payment of such persons as may be employed by the common council in the service of the city upon monthly pay-rolls and shall prescribe the form of such pay-rolls, and the manner in which the same shall be certified, audited, and approved; *provided*, that such pay-rolls shall in all cases be approved and countersigned by the comptroller. All orders drawn upon the city treasury shall certify the purpose for which they were drawn, and shall be drawn payable out of the particular fund to which the expenditure shall be chargeable, and to the person in

whose favor they may be drawn. Certificates issued in payment for work done or improvements made chargeable specially to lots, parts of lots, or parcels of land, shall be receiveable for the special taxes levied therefor upon such lots, parts of lots, or parcels of land, respectively.

Denomination of the various funds.

SECTION 3. All moneys raised or received for school purposes shall constitute a separate fund, denominated the "school fund." All moneys raised and collected for the support of the fire department, shall constitute the fire department fund; all moneys raised for the dredging of the harbor, and the building and repairs of docks and piers, shall constitute the harbor fund; all moneys received for the payment of salaries provided in this act shall constitute the salary fund; the moneys raised for a police fund shall constitute such separate fund and be applied for the payment of policemen and special police; the moneys raised and received as ward taxes shall constitute the several separate ward funds; and the moneys raised and received for the support of poor shall constitute the poor fund; and all moneys raised for any particular object shall constitute a separate fund for such purposes. The moneys raised for a contingent fund, and all money raised and received into the treasury, and not otherwise appropriated, shall constitute the contingent fund. The common council shall have power to appropriate sums from time to time, out of the contingent fund, by a vote of at least three-fourths of all the aldermen elect, for any purpose or purposes which they shall declare by their resolution to be a proper expense to be defrayed by the said city. All election expenses for city, ward, or general elections shall be chargeable to the contingent fund.

How contingent fund to be applied.

Receipts to belong proportionally to the several funds.

SECTION 4. All receipts into the treasury shall, as received, belong to the said several funds in proportion to the several amounts of each fund, and no moneys raised or received on account of any special fund shall be appropriated to any other purpose than that for which they were raised; and the comptroller shall keep separate accounts of the receipts and disbursements of each fund. When interest shall be paid upon the redemption of lands sold for taxes, such interest shall belong to the several funds on account of which such taxes were levied, in proportion to the amount of such taxes.

Interest not to be allowed upon scrip.

SECTION 5. Interest shall not be allowed upon any scrip issued by the city, and all warrants of scrip

drawn in payment of any indebtedness shall correspond in amount with the amount allowed by the common council, for which it was issued.

City not liable for debt beyond that authorized by this act.

SECTION 6. In no case shall the city be liable for any scrip or other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by the common council, beyond the sums which the said common council is by this act authorized to levy upon the taxable property of said city.

County not to levy school tax against city beyond certain amounts.

SECTION 7. The board of supervisors of the county of Racine, in levying school taxes upon the city and towns in said county, shall not levy a school tax on said city exceeding the amount required to entitle said city to its share of the apportionment of the state school fund, unless the board of supervisors are petitioned by two-thirds of the members of the common council and school board, to raise a larger amount.

## TITLE XIV.

### ASSESSMENT AND COLLECTION OF TAXES.

Property subject to taxation

SECTION 1. All property in the said city, real, personal or mixed, shall be subject to taxation for all purposes authorized by law, excepting only such property as is or shall be exempted from taxation by general laws exempting from taxation throughout the state particular classes of property of particular classes of corporations or persons. And the same shall be assessed in the manner hereinafter provided; and the assessors under this act shall have and possess the same powers that are or may be conferred upon township assessors, except as far as they may be altered by this act; and the common council may prescribe the form of assessment-roll or more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may, from time to time, deem advisable; *provided*, that the same shall not be inconsistent with the provisions of this act.

Powers of assessors.

City clerk to make out tax roll.

SECTION 2. The city clerk, upon receiving the assessment-rolls from the assessors, shall examine and perfect the same, and make out therefrom a complete tax-roll in manner and form as provided by law. The common council shall annually, on or before the first Monday in August, by resolution, levy such sum or sums of money or taxes as may be sufficient for the several purposes for which taxes are by law au-

Council to levy tax.

thorized to be levied in said city, not exceeding, however, the amounts authorized by law, particularly specifying in such resolution the purposes for which the same are levied, and, if not for general city purposes, the ward or district of the city in or upon which the same are levied.

City clerk to apportion taxes, and extend same on tax roll which he shall deliver to city treasurer.

SECTION 3. As soon as the sums or taxes shall be levied, it shall be the duty of the city clerk, under discretion of the common council, to cause the same to be apportioned and extended upon said tax roll upon a uniform percentage, by setting opposite to the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums or taxes so levied, and such special assessments as may be chargeable upon such lot, tract or parcel of land, or against such person. Such tax roll shall be delivered by the city clerk to the city treasurer on or before the first day of September, and to such tax roll shall be appended a warrant signed by the mayor or clerk and sealed with the corporate seal of said city directed to the city treasurer, requiring and commanding him to collect the taxes and assessments in said tax roll specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof upon which said taxes or assessments shall remain unpaid and to make due return to the common council within such time as shall be fixed in said warrant.

Tax roll to be compared with assessment roll

SECTION 4. Such tax roll before being delivered to the treasurer, shall be compared by the clerk with the assessment roll on file in his office, as corrected; to it he shall append his certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax roll; and the said tax roll when so certified shall be *prima facie* evidence in any court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

When tax may be remitted or cancelled.

SECTION 5. After the assessment roll is completed, the rate of taxation is fixed, the taxes are extended, and the tax-roll is placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases: 1st. When a cleri-

cal error has been made in the description or transfer of the property from the original assessment books to the tax-roll, or in extension of the tax. 2d. When improvements by the erection of buildings have been assessed on lots or lands where none had been made at the time fixed by law, for making the assessments. 3d. When the tax is manifestly illegal and void by reason of the exemption of the property from taxation by law. 4th. When a person has been assessed the same year, for the same personal property, in more than one ward.

City clerk to make list of payees of city orders.

SECTION 6. At the first meeting of the common council, succeeding the charter election, in each year, the city clerk shall prepare and present to the common council, a descriptive list giving the dates, amounts, and names of payees of all city orders drawn, which shall have remained in his office three years, uncalled for by such payees. The common council shall cause such orders to be compared with such list, and when found or made correct, such list shall be filed and preserved in the office of such clerk and a copy thereof duly certified by said clerk shall be delivered by him to the comptroller, and all such orders shall be cancelled and destroyed. The person entitled to any such order may, upon application to the common council, have a new order issued to him for the amount named in the original order, so cancelled, without interest at any time within six years from the date of such original order, and not afterwards.

Orders to be destroyed and new ones drawn.

Taxes to be lien against property.

SECTION 7. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the filing of such tax rolls in the office of the city treasurer, until such tax shall be paid; and no sale or transfer of such real estate shall affect such lien; *provided*, that as between the grantor and grantee of any land or lot, when there is no express agreement as to which shall pay the taxes or assessments that may be assessed or become chargeable thereon before the conveyance, if such land is conveyed even with or prior to the date of the warrant, authorizing the collection of such taxes or assessments, then the grantee shall pay the same; but if conveyed after that date the grantor shall pay them. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Who to pay tax on lands conveyed.

When assessment has become lien, amount to be placed in separate column.

SECTION 8. In all cases where, by the provisions of this act, any special charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax roll in a separate column or columns, opposite the lot or tract upon which the same may be a lien; and the treasurer may collect and sell and do all other acts in relation thereto, in the same manner as if the amount of such lien was a general tax.

Treasurer to give notice when tax to be paid.

SECTION 9. On the receipt of such tax roll, the treasurer shall give four weeks' notice thereof in the official paper, and such additional paper as the treasurer may deem proper. Such notice shall specify that the taxes on personal property must be paid within thirty days from the first publication of said notice, and the taxes and assessments on real estate before the last day of December following; and that all tracts or parcels of lands specified in said tax roll upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the first publication of such notice shall be deemed a sufficient demand, and neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

How tax on personal property to be collected.

SECTION 10. On the expiration of thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the collection of personal taxes by town treasurers, and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the next preceding section of this title, the treasurer shall issue his warrant, directed to the chief of police of said city, requiring and commanding him, within a certain time, in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the chief of police receiving such warrant shall have all the the powers of levying, distraining and selling property, and all other remedies and powers that are given by law to town treasurers for the collection of such taxes, and shall be subject to all the liabilities of such town treasurers, and shall be entitled to demand and collect a commission

or percentage of five (5) per cent. on all sums collected by him, which percentage shall be added by him to said taxes and collected with the same, and in addition thereto as compensation for his services. And in case of levy, distress or sale of property by the said chief of police, in virtue of such warrant, he shall be entitled in addition to such commission of five per cent. to collect the same costs and fees allowed by law to constables on execution.

Collection of taxes for preceding year.

SECTION 11. The warrant of the city treasurer to the chief of police, for the collection of taxes on personal property, shall include in addition to the unpaid taxes on personal property for the current municipal year, all unpaid taxes on personal property for the next preceding three years. And the chief of police of said city shall have the power and it shall be his duty to collect the same in like manner as is herein provided for the collection of the taxes on personal property for the current year.

Chief of police to give bond before ceollecting taxes.

SECTION 12. Before the treasurer of the city shall issue his warrant to the chief of police for the collection of unpaid personal taxes, the chief of police shall give a bond to the said city in such penal sum as the common council may prescribe, with at least three sureties conditioned for the faithful execution of such warrant in pursuance of law. Such bond shall be executed, acknowledged, approved, and recorded, as provided and required by section one (1), of chapter three (3), of this act. The chief of police at the end of each and every month, from the time of receiving such warrant, shall report to the treasurer a statement in detail of all the personal taxes collected by him during such month, and shall pay over to the treasurer at the same time the whole amount so collected and take his receipt in duplicate therefor, one of which duplicate receipts he shall immediately file with the city comptroller.

Sale of delinquent lots and lands.

SECTION 13. On the day and at the place designated in the treasurer's notice, he shall commence, by public auction, the sale of all tracts of land and lots or parts thereof upon which the taxes or assessments shall remain unpaid, and shall continue such sale from day to day until the whole are disposed of. The sale shall be the smallest undivided portion of the lot or tract which any person will take and pay the taxes and charges on the whole lot or tract. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his heirs or assigns, a

certificate of such sale, containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the names of the purchasers, the dates and amounts of sales, the time, by whom and for what sum any lot or tract sold or any part thereof, was redeemed, and the time, and to whom the same was conveyed and redeemed.

Penalty for neglect or refusal to pay for land bid in.

SECTION 14. In case any purchaser at such sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale, and any person bidding off at any such sale any lot or tract of land, and refusing to pay for the same within the time designated, shall forfeit and pay to the city the sum of five (5) dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties are under this act.

Redemption of property sold for taxes.

SECTION 15. Any lot or tract of land so sold, or any portion thereof, or interest therein, may be redeemed by the owner thereof, or by any person interested therein, within three years from the day of sale, and at any time prior to the recording of a deed thereof by the treasurer to the purchaser by the payment to the treasurer of the amount for which the same was sold, together with the interest thereon at the rate of twenty-five per cent. (25 per cent.) per annum, and the legal charges thereon; and the city treasurer shall receive such redemption money on the same being tendered to him, at any time prior to the recording of the tax-deed. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed.

Transfer of property to holder of tax sale certificates

SECTION 16. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three (3) years from the day of sale, shall be conveyed by the treasurer to the purchaser or his assigns, as herein provided. Whenever any lot or tract of land which has been or shall hereafter be sold for taxes, shall have been in the actual occupancy or possession of any person other than the owner and holder of the certificate of such tax sale, or some person holding under him, for the period of thirty days or more at any time within the six

months immediately preceding the time when the tax-deed upon such sale shall be applied for, such deed shall not be issued unless a written notice shall have been served upon such occupant by the holder of such certificate at least three months prior thereto, stating that he is the holder of such certificate and setting forth the date thereof, and giving notices of the time when such deed will be applied for. And at any time previous thereto or to the issuing of such deed, such lot or tract of land, or any part thereof or interest therein, may be redeemed from taxes upon the same terms as in other cases, and paying in addition one (1) dollar for the notice and proof of service herein required. An affidavit showing such service and specifying particularly the time and manner thereof, shall be filed with the officer whose duty it shall be to issue such tax deed before such deed shall be issued, and in no case shall any tax deed be issued upon any certificate of the sale of land for the nonpayment of taxes except upon proof of the service of the notice as herein provided or proof filed with such officer, that the land described in such certificate was not occupied or possessed for the period of thirty days as hereinbefore specified; *provided, however*, that the holder of any such certificate may at his option foreclose the same by action in the manner and with the same effect as provided by chapter one hundred and eighty-one (181) of the laws of 1872 of this state. No other notice of application for a tax deed shall be necessary in any case than that required in this section, and if the treasurer shall issue any deed for taxes without the foregoing provisions of this section having been complied with, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000), and by imprisonment in the county jail for a term of not less than three (3) months nor more than one (1) year, and his office shall be deemed vacated.

Notice to be given occupant

Penalty for issuing tax deed without compliance with law.

SECTION 17. All deeds executed by the city treasurer on account of sales for taxes or assessments under this act shall be made in substantially the same form prescribed by law for deeds by the county clerk, on account of sales for unpaid taxes, and such deeds shall have the same force and effect as evidence that is or may be given by law to such deeds executed by the county clerk.

Form of tax deed.

When no bid made at sale, city to become purchaser.

SECTION 18. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or for any goods and chattels the same shall be struck off to the city and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall be the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale, and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor for the amount of such sale and interest at twenty-five (25) per cent. per annum, and to indorse and transfer such certificates to the purchasers.

Persons bidding in property to purchase certificates of previous sales when held by the city.

SECTION 19. Whenever any person shall bid off any lot offered for sale for taxes which lot shall have been bid off in the name of the city for the taxes of any previous year or years, and the certificate or certificates of such previous sale or sales thereof shall at any time of such subsequent sale remain the property of the city, such person shall before being entitled to his certificate of such sale purchase of the city its certificate or certificates, by paying the amount of principal, interest and charges thereon, and receive from the treasurer an assignment thereof; *provided*, that any certificate of sale for the amount of any street commissioners' certificate or other special tax or assessment held by the city of Racine in trust for the owner of such certificate or of such special tax or assessment or any certificate of sale for general city or ward taxes, held by said city may be assigned, sold and transferred by the city treasurer, although said city may hold in trust in whole or in part certificates for the sale of lots for the amount of street commissioner's certificates or special taxes or assessments issued in any prior year, and no liability shall attach to the city or said treasurer by reason thereof, but any such sale, assignment and transfer shall only be paid upon the payment of all previous general city and ward taxes.

When property omitted in assessment of previous years assessment to be made for such years.

SECTION 20. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for that year, assess the lot or tract so omitted for such year or years

in which it shall have been so omitted at the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall, in addition to the taxes for the current year, levy such taxes upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such taxes shall be collected as other taxes or assessments are for the current year. All lands shall be subject to taxes that may have been omitted in whosesoever hands they may have come. Should the tax or the assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relieved in such manner as they shall by ordinance direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council may direct, and the said tax or assessment so reassessed or relevied shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When tax set aside by reason of informality.

SECTION 21. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand to the persons entitled to receive the same. He shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successor all redemption moneys in his hands with a statement of the amounts so received.

Treasurer to receive redemption money.

SECTION 22. When there shall be a sale by the county treasurer and by the city treasurer of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser; and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall redeem, it shall be the duty of the proper officer to make an entry in the sales book of the character in which such person

When land sold by city and county treasurers in same year.

may have redeemed; and thereupon the person so redeeming shall be substitute to all the rights of the holder of the certificate so redeemed as aforesaid.

No action to set aside tax deed to be maintained until redemption money has been tendered.

SECTION 23. No person shall be permitted to institute any action or proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land or to set aside any deed executed in consequence of the nonpayment of such taxes and of the sale of the premises therefor, unless such person shall first pay to, render to the proper party, or deposit for his use with the treasurer, the amount of all state, county and city taxes that may remain unpaid on such lot or tract, together with the interest and charges thereon.

Assessment not to be vitiated by informality.

SECTION 24. All the directions hereby given for the assessing of land and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax assessment.

Fees of treasurer.

SECTION 25. In case of a distress and sale by the city treasurer, of goods and chattels, for the payment of any tax, said treasurer shall be [entitled] to such fees as are allowed to sheriffs on sales of goods under execution.

COUNTY AND STATE TAXES.

City clerk to make duplicate tax-roll and list of property holders, extend tate, county, and school taxes and deliver to city treasurer.

SECTION 26. The city clerk shall annually make a duplicate tax-roll, embracing a list of all real property in the city, subject to taxation, and also a list of all persons in the city having personal property subject to taxation, and being a copy of the tax-roll made by him, as provided by section nine of this title, and upon receiving the certificate of the county clerk of the amount of state, county, and school taxes, respectively, to be collected in said city for the current year, he shall calculate, carry out and extend the same upon such duplicate roll, in the manner provided by law, and shall deliver such tax-roll, with his warrant thereto attached in due form, as provided by law, to the city treasurer, for the collection of the state, county, and school taxes therein entered and contained.

Treasurer to conform to general laws.

SECTION 27. The treasurer of the city in giving bonds, collecting such state, county, and school taxes, and making his returns to the county treasurer, and

in all other things relating to such taxes, shall conform to and be governed by the general laws of the state, except that the return to the county treasurer shall be for the city, and not for the wards.

## TITLE XV.

### PUBLIC SCHOOLS.

Supervision and management of schools

SECTION 1. The public schools in said city shall be under the supervision and management of the board of education consisting of the school commissioners from each ward, who shall be residents of such ward. The members of the present board of education shall be members of said board and hold their offices until the expiration of their respective terms. There shall be elected annually at the charter election in said city, one school commissioner in each ward to supply the places of those whose term is about to expire; the commissioners so elected shall hold their offices for the term of two years from the third Tuesday in April of the year of their election.

Election of school commissioners.

How vacancy in office of commissioners to be filled.

SECTION 2. In case any vacancy shall occur in the office of school commissioner by resignation, death, removal from the ward or otherwise, the common council of said city shall appoint a commissioner to fill such vacancy, who shall hold his office for the balance of the term of the commissioner whose office shall have become vacant. Before entering upon their respective offices each of said commissioners shall make and subscribe the official oath prescribed by law and shall file the same with the city clerk.

Meetings of board of education.

SECTION 3. The board of education shall hold such regular stated meetings and other meetings as they shall determine, and the president of said board shall call special meetings when requested by at least five members of said board, and a majority of all the members of the board shall constitute a quorum. The board of education shall elect from its members a president to preside at its meetings, and in his absence a president pro tempore may be appointed who for the time being shall possess all the authority of the president. Said board shall appoint a clerk whose salary shall not exceed one hundred and fifty dollars ($150), and it shall be his duty under the direction of the board to keep a record of the proceedings thereof in a book to be provided for that purpose. He shall

Duty of clerk of board.

also enter therein, or in a book especially provided for that purpose, copies of all official reports made by the board or the superintendent. He shall keep and preserve all papers, books and records, or other property belonging to his office and deliver the same to his successor or to the common council. The board of education shall employ some suitable person to take the school census of children in the city over the age of four and under the age of twenty years, and shall pay reasonable compensation for such service.

School census.

Powers and duties of board of education.

SECTION 4. The said board of education shall possess the following general powers and duties: 1. To establish, organize and maintain, such, and so many schools in said city or the several wards thereof as they may deem necessary and expedient, and to alter and discontinue the same. 2. To have the custody and safekeeping of the school-houses, out-houses, books, furniture, library, and all the property appertaining to the public schools in said city. 3. To contract with and employ in behalf of the city all teachers in the common schools and the high school, who shall have been licensed by said board and at their pleasure to remove them. 4. To improve and repair school-houses and out-houses, and enclose and improve the school-house sites and grounds. 5. To purchase and contract for the furnishing of fuel for the use of the schools, and to purchase, exchange, improve and repair school apparatus, furniture, and appendages, to pay and defray the expenses of the school library, and to furnish school books for indigent pupils. 6. To have, in all respects, the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter modify, and repeal, as they may deem expedient, rules and regulations for their government, organization and instruction, for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility. 7. To regulate the admission of children of non-residents to the schools in said city, and to establish and collect tuition fees. 8. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school-houses and appurtences, and all the property belonging to the city connected with or appertaining to the schools, and sug-

gest proper penalties for the violation of such ordinances and regulations, and to determine and certify to the comptroller of said city on or before the first Monday in August in each year the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the amounts required for the payment of teachers' wages, salary of the superintendent and janitors, for the purchase and repair of furniture, apparatus, books, fuel, for the repair and improvement of buildings and school-house sites, the expenses of the library, and for the defraying of any other contingent expenses.

Power of board of education to buy or sell school houses and sites.

SECTION 5. The board of education shall have the power, with the consent of the common council, to sell any of the school-houses, lots or sites whenever it shall be deemed advisable, and to purchase additional school-house sites or lots, or additional grounds, and build, erect, construct, hire or purchase, additional school room, or buildings; *provided*, the sums of money necessary for such purposes shall have been raised by a tax for that purpose, or there shall be then in the school fund of said city a sufficient and available surplus sum for such purpose over and above the amounts required for the payment of teachers' wages, salaries, and for the defraying of expenses for fuel and other contingent expenses estimated for the current year.

Contract for work or materials to be let to lowest bidder.

SECTION 6. All work and labor when the value thereof shall amount to over fifty (50) dollars, necessary to be done for said schools (excepting teaching), and all materials to be provided for the use of the same that are of such a nature as to admit of it, shall be done and procured by contract and let to the lowest responsible bidder, for which the clerk, under the direction of the board, shall advertise and receive proposals in a public manner. And no member of said board shall, either directly or indirectly, have any pecuniary interest in any such contract.

How money to be drawn from school fund.

SECTION 7. All moneys raised for school purposes and received into the school fund of said city, from whatever source, shall be liable to be drawn therefrom for the purposes authorized by this act, by the order of the board of education, directed to the city treasurer, and signed by the president of the board and by the clerk thereof, and audited by the city comptroller, and specifying the purpose for which it is drawn, and naming the amount of the sum for which it is drawn, and the person to whom it is payable.

Contracts to be countersigned by by city comp troller.

SECTION 8. All contracts entered into by the board of education (excepting the employment of teachers) shall, before they shall have any validity, be countersigned by the city comptroller, who shall keep an account of the liabilities incurred by the board for each current year; and it shall be the duty of the board of education to report to the comptroller the amounts required for teachers' wages, salaries of the superintendent and other persons employed on a salary, and for the purchase of fuel, and the amounts required for the payment of all such liabilities incurred shall be set apart for such purpose, and shall not be drawn from the school fund for any other purpose. No expenditure shall be incurred, no liability created, or contract entered into in excess of the amount of money raised for the school fund and available for such purpose. And all agreements and contracts entered into in violation of this provision, shall be null and void and of no force against said city, and no money shall be drawn from the school fund on account thereof.

Board to report amount required for expenses.

How appropriations to be made.

SECTION 9. No appropriation of money shall be made or order on the school fund be drawn, or any liability incurred, or expense authorized by the board of education, except upon the affirmative vote of a majority of all the members of the board; and upon all appropriations, propositions creating any charge or liability against the school fund, the ayes and noes shall be called, and such vote and the names of all the members of the board either voting in the affirmative or in the negative, shall be recorded in the record of proceedings of the board. Any and all members of the board of education who shall create any liability, enter into any contract on behalf of the city, or who shall vote to create any liability or expenditure, or for any appropriation of money from the school funds beyond or in excess of the amounts authorized, or against the provisions of this act, shall be jointly and severally liable to any person or corporation for the amount of such contract or the excess thereof, or for the injury sustained by any person by reason thereof.

Members of board personally liable for debts beyond amount authorized.

Comptroller to make report of receipts and expenditures.

SECTION 10. It shall be the duty of the city comptroller, annually, at the time of making his general reports, to prepare and report to the common council a true and correct statement of the receipts and disbursements of moneys under and in pursuance of this act, during the preceding year, in which account shall

be stated, under appropriate heads: 1. The moneys received into the school fund from taxes levied by the common council. 2. The moneys received from direct taxes levied by the county board of supervisors. 3. The moneys received as distribution of the state school fund income. 4. All other moneys received by the treasurer into the school fund from other sources. 5. The manner in which sums of money shall have been expended, specifying the amounts paid under appropriate heads of expenditure. The common council shall cause said report to be published in the official paper of the city at least ten days before the charter election.

Board of education to make annual report to council.

SECTION 11. It shall be the duty of the board of education to report to the common council on the first Monday in August of each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting each and all of said schools since their previous report, together with the estimated cost thereof for the ensuing year.

Election of superintendent of schools.

SECTION 12. The board of education may elect some competent person superintendent of schools of said city, who may act as clerk of said board of education, and the said board shall fix a salary for such superintendent which shall be paid out of the school fund and shall not exceed the sum of six hundred dollars ($600) per annum.

Duties of superintendent of schools.

SECTION 13. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making applications for schools (examinations to be public and in presence of the board), shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to common schools. He shall visit the common schools of the city at least twice during each term, and report their condition to the board, with such suggestions for their improvement, as he may deem proper. He shall also perform such other duties with respect of such school, as the board may assign to him.

Superintendent to make report to state superintendent

SECTION 14. It shall be the duty of the superintendent, on or before the 10th of October of each year to transmit to the state superintendent of schools a report in writing, as required to be made by school

district clerks, by chapter twenty-three (23) of the revised statutes, and the several acts amendatory thereof, and shall file a copy of such report in the office of the county clerk.

Title of school property to be vested in city of Racine.

SECTION 15. The title to all school property, real, personal or mixed, now in said city, as well as that hereafter acquired for school purposes shall be vested in the city of Racine, and shall not be subject to taxation nor be levied upon and sold by virtue of any warrant, execution, judgment or decree, and the said city in its corporate capacity shall be authorized to receive and hold, or dispose of any real or personal estate transferred to it, by grant, devise or bequest for the use of the public schools of said city.

## TITLE XVI.

### DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Members of council and board of education ineligible to other offices.

SECTION 1. No member of the common council or board of education shall be eligible to any other office provided for by this act for the term for which he shall have been elected or appointed.

Vote of member to be disinterested.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Members of council and board not to be interested in contract.

SECTION 3. No member of the common council or board of education shall be a party to or interested in any job, contract with the city, or with any of the wards, and any contract in which any such member may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and from the members of the council or members of the board of education interested in the same.

Persons interested in contract with city ineligible to office.

SECTION 4. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which the said city shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city, or of any ward, or by any officer or board under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority

over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be deemed vacant.

Removal of officers for being interested in contract with city.

SECTION 5. If any member of the common council or board of education, or other officer of the corporation, after his election or appointment or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation or any ward shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding pending before the common council or on which such officer may be called upon to act officially with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantages, he shall be removed from his office and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not more than five thousand dollars ($5,000), nor less than five hundred dollars ($500), or by both such fine and imprisonment in the discretion of the court.

Penalty for bribery.

SECTION 6. If any member of the common council, or other officer or agent of the city government, shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due-bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods, or chattels, or any deed of writing, containing a convevance of land, or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of

felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding five thousand dollars ($5,000) nor less than five hundred dollars, or by both such fine and imprisonment, at the discretion of the court.

Power of council to remove from office for malfeasance.

SECTION 7. A majority of all the members elect of the common council shall have power to dismiss from office, for malfeasance in office in said city, any person elected or appointed to office in said city, except justices of the peace. And the common council shall provide, by ordinance, the manner of hearing and disposing of complaints against such officers.

Charges of misconduct in office to be investigated.

SECTION 8. Whenever any charges of official misconduct shall be preferred against any member of the common council of the city of Racine, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper, for the purposes of their investigation, they may examine witnesses, on oath, in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purposes of such examination.

Witnesses may be subpœnaed.

SECTION 9. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where, and before whom, the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated. All such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpœnas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such in the manner

provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before such committee, and such committee may exercise the powers of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

## TITLE XVII.

### MISCELLANEOUS.

Parties causing injury to be responsible.

SECTION 1. Whenever any injury shall happen to persons or property in the said city of Racine, by any reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until alter all legal remedies shall have been exhausted to collect such damages from such person or corporation.

City not responsible for damages to person or property.

SECTION 2. The city of Racine shall not be held liable for damages or injuries to persons or property incurred or happening at any place in the said city where work of any kind or nature is being done in or on streets or sidewalks by contractors under contracts with the city, in consequence of the condition of such streets or sidewalks arising from the doing of such work. But if the contractors doing such work shall fail to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work, and if injury to persons or property occur by reason of such default of such contractors, such contractors shall be liable in an action by the person so injured.

How penalties remitted and stay of proceedings passed.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged without payment, and no resolution for a stay of prosecution for a violation of a city ordinance shall be passed,

except by an affirmative vote in either case, of two-thirds of all the members elect of the common council.

Residence not to render incompetent as judge, witness, or juror.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Racine, in any proceeding or action in which the city shall be a party in interest.

Present ordinances, etc., to remain in force

SECTION 5. All ordinances, regulations or resolutions now in force in the city of Racine, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Actions, etc., to be prosecuted under this act.

SECTION 6. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

When elections not held or other acts not performed at time prescribed

SECTION 7. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinance or by-laws of the city, to be done by any officer at any specified time, are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

Service of process.

SECTION 8. When any suit or action shall be commenced against the city, the service of process therein may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided. When, in any suit, the city shall take an appeal from the order or judgment of any court in the state to a higher court, it shall not be required to furnish an appeal bond.

Property of city exempt from taxation.

SECTION 9. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution; *provided*, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued

on a judgment for the purchase money thereof. Not shall any real or personal property of any inhabitanr of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Property to be vested in city. Present officers to remain in office.

SECTION 10. All property, real, personal or mixed, belonging to the city of Racine, is hereby vested in the corporation created by this act. The officers of said corporation, now in office, shall respectively continue in the same until superceded in accordance with the provisions thereof but shall be governed by this act, which shall take effect and be in force from and after its passage and publication.

City may hold and convey property.

SECTION 11. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof; and may sell and convey the same; and the same shall be free from taxation.

All property subject to special taxes.

SECTION 12. Real estate exempted from taxation by the laws of the state shall be subject to special taxes or assessments which may be or become chargeable against particular property, as provided by this act.

Act not affected by general laws.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, except such purpose be expressly set forth in such law.

Charter and ordinance may be printed and such copies shall be received in evidence.

SECTION 14. The common council of the city of Racine are hereby authorized to cause this act, together with any other acts, or parts of acts of the legislature of Wisconsin relating to or affecting said city and also any ordinances, by-laws, resolutions, rules and regulations of said city, or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city, to be printed and published in book form, and the same shall be admitted and may be read in evidence in all courts and legal proceedings from such printed book, so published by order of the said common council, and such book shall be deemed *prima facie* evidence of the contents and passage and shall be a sufficient publication of all such acts, ordinances, by-laws, rules, resolutions and regulations.

Act not to invalidate legal acts of council.

SECTION 15. This act shall not invalidate any legal act done by the common council of the city of Racine, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or of any liability which may have accrued to or

been created by said corporation prior to the passage of this act and all ordinances now in force in said city not contravening the provisions of this act shall be and remain in force until altered or repealed by the common council.

Repeal of former acts.

SECTION 16. Chapter two hundred and eight, of the private and local laws of 1866, approved March 28, 1867, and the several acts amendatory thereof; chapter 294, of the private and local laws of 1852, relating to the public schools in the city of Racine, and the several acts amendatory thereof, and all acts and parts of acts relating to the government of said city, inconsistent with and contravening the provisions of this act, are hereby repealed; but this act shall not affect chapter forty-two, of the private and local laws of 1871, relating to the readjustment of the corporate debt of the city and the acts amendatory thereof, nor to any act passed at the present session of the legislature relating to said city, but the same shall remain in force. The repeal of said acts shall not revive any acts or part of acts heretofore repealed, and shall not in any manner affect, injure or invalidate any contracts, acts, grants, license, suits, proceedings, claims or demands that may have been entered into, performed or commenced, or that may exist under or by virtue or in pursuance of said acts, or any of them, but the same shall remain in full force and effect and be enforced and carried out as fully and effectually as if this act had not been passed; but in conformity with this act as far as the same may be applicable.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

# CHAPTER 314.

[Published March 14, 1876.]

AN ACT relating to trespassing on state lands, and for the repeal of chapter twenty-one (21), of the general laws of 1871, entitled, "An act to consolidate and amend the laws relating to trespassing on state lands."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor of the State of Wisconsin is hereby authorized and empowered to appoint six (6) agents for the purpose of protecting the school, university, swamp and overflowed lands, belonging to the state, or any lands in which the state may have an interest, legal or equitable, from any injury, from any person or persons trespassing thereon, by digging or removing any mineral therefrom, or by cutting or removing, or in any manner injuring, any lumber, timber, trees, wood or bark, being, standing or growing on such premises; *provided, however*, that this act shall apply only to lands which are or have been subject to entry and purchase at the office of the commissioners of school and university lands.

Governor empowered to appoint timber agents.

SECTION 2. It is hereby made the duty of the governor, and he is hereby authorized and empowered to prescribe, by written rules and regulations, the duties and the compensation of such agents; and the governor is hereby authorized to audit the accounts for the compensation and the expenses of said agents; which shall be paid out of the state treasury, from the general fund. And there is hereby annually appropriated, out of the state treasury, the sum of six thousand dollars, for the purpose of defraying such expenses.

Duty of governor to prescribe duties of agents, and to audit a counts for expenses of same.

SECTION 3. The governor and the commissioners of school and university lands shall not have power to authorize any such agent or agents to settle or compromise with any person or persons trespassing or injuring any premises described in the first section of this act.

Agents not empowered to compromise with trespassers.

SECTION 4. The governor shall have power to authorize and empower any such agent to seize, or cause to be seized, any timber, lumber, logs, shingles, shingle-bolts, staves, shocks, headings, wood, bark, or other material cut upon or removed, or taken from any of the land described in section one (1), of this act,

Timber, etc., cut on state lands to be seized and sold

Notice of sale to be given.

without process; and to sell the same at public auction, to the highest bidder; *provided*, that no such sale shall be made, until the agent making such seizure shall report the same to the commissioners of school and university lands, nor until the time and place of such sale shall have been advertised in a newspaper printed in the county where such sale is to be had, if any there be, at least once in each week for three successive weeks; and if there is no newspaper printed in said county, then by written or printed notice of such time and place posted up in the five most public places in said county, at least twenty (20) days before such sale, and the commissioners of school and university lands may cause a bid to be made on behalf of the state at such sale to an amount not less than one-half the actual value of the property for sale. No part of the money realized at any such sale shall be applied on the certificates issued by the commissioners of school and university lands, then outstanding, if any. Property purchased on behalf of the state at such sale, shall be sold by the commissioners of school and university lands for such price, and at such time or times as they may deem for the best interests of the state.

Money from sales not to be applied on certificates.

Trespassers may purchase lands trespassed upon.

SECTION 5. Any person or persons found trespassing upon any such lands belonging to the state, shall have the right to purchase said premises of the state, by paying the amount in lawful money of the United States, at the minimum price at which such land shall be appraised, if the same is subject to private entry, at the office of the commissioners of school and university lands, and also by paying in addition thereto the sum of a hundred per centum of the amount paid for said land, and all expenses of seizure, and taking charge of material seized until the settlement is completed. If the person or persons owning the certificate or certificates of purchase for such land shall be found trespassing thereon, he or they shall have the right to obtain a patent for such land, by paying the amount due the state on such certificate or certificates, with all legal charges thereon, and the sum of one hundred (100) per centum on the amount due the state for such land and all expenses of seizure and taking charge of material seized until the settlement is completed. In either case, the commissioners of school and university lands are hereby required to release to the person or persons so paying for the land, any lumber, timber, logs, shingles, shingle-bolts, or

When trespassers hold certificates of purchase of lands may obtain patent for same.

When lands purchased by trespasser, timber etc., to be released to same, and suits discontinued.

any other articles seized under the provisions of this act, and he is hereby required to discontinue any and all suits commenced to recover any damages for such cutting, taking, or carrying away, without cost to the state; *provided*, that the state treasurer shall in no case receive pay for such land from any other person or persons than those holding the certificate or certificates, or from their authorized agents in cases where the land has been previously sold by the state; *and provided, further*, that in all cases when the sale of property is made under the provisions of this act, or the one to which this is amendatory, the person or persons owning the certificate or certificates, and not being the trespasser, shall have the right to bid at such sale the amount due to the state for such land, and the expenses of seizure and sale, the amount of which shall be stated at the sale, by the person authorized to sell; and when such bid is made, it shall be the duty of the person making such sale to strike off the property to such bidder or bidders; *provided*, that if there shall be at the sale any dispute between bidders as to the ownership of the certificate or certificates of sale issued by the state, the person conducting and making such sale shall sell the property so seized to the highest bidder, he first bidding, as provided in this act, in which case the amount so received, or the proceeds of the sale when received, shall be paid into the state treasury, and remain there until the commissioners of school and university lands shall determine the ownership of said certificate or certificates; and for that purpose they are hereby authorized to take such evidence as, in their judgment, shall be necessary to defermine the fact. When such fact is determined, it shall be the duty of the state treasurer, and he is hereby directed, to pay over to the rightful person or persons, on their order, the avails of such sale, after deducting the price of the land and the expenses herein provided for.

**Holder of certificate when not trespasser, to have right to bid in property.**

**When there is dispute as to ownership of certificate.**

SECTION 6. Whenever any trespass shall be committed on any of the lands mentioned in this act, the trespasser or his assigns shall not be entitled to the possession of the timber or other material taken from said lands until all penalties and charges, as provided for in this act, shall be paid, and the timber agent is authorized to seize and hold timber or any other ma-

**When trespassers to be entitled to possession of timber, etc.**

terial taken from said lands, until payment shall be made, even though the lands were sold and patented previous to the seizure, but after such trespass.

Persons entering lands to acquire title to timber, etc., proviously cut or removed without authority.

SECTION 7. Any person who shall hereafter enter and receive a patent for any school, university, swamp or other state land, shall thereby also acquire the right to all timber, lumber, trees, wood, bark, stone, earth, mineral, or other material cut upon or removed from such land before the issue of such patent, unless the same shall have been cut or removed with the assent of the proper state authorities, or sold by the state; and he may seize, sue for, and recover such materials, as if the same had been cut or removed from such land after the issue of such patent. The person so obtaining a patent may also bring an action for any trespass upon, or other injury to such lands, committed before such patent shall issue, against the person or persons committing such trespass or other injury, in the manner and with like effect, and he shall be entitled to like damages, as if such trespass or other injury had been committed after the patent had issued; *provided*, that any such purchaser of land previously reported to the commissioners of school and university lands, as trespassed upon, shall pay, in addition to the price thereof, the penalty of one hundred per cent., and charges as fixed by section 5 of this act, and thereupon any material seized shall be released to him; *and provided further*, that no such purchaser and nothing in this act contained shall affect the liability of any person to punishment for the offense of trespassing or cutting materials upon or removing materials from such lands, or prevent or bar any prosecutions for such offense, whether commenced before or after the sale of such lands, and that the heirs or assigns of such purchaser shall have the same rights conferred upon them as the original purchaser.

Chap. 21, general laws of 1871, repealed.

SECTION 8. Chapter 21, of the general laws of 1871, entitled, "An act to consolidate and amend the laws relating to trespassing on state lands," is hereby repealed.

Repeal of conflicting acts.

SECTION 9. All acts or parts of acts, conflicting with the provisions of this act, are hereby repealed, provided nothing in this act contained shall interfere with any seizures and settlements now made or pending.

SECTION 10. This act shall take effect and be in full force from and after its passage.

Approved March 11, 1876.

## CHAPTER 315.

[Published March 30, 1876.]

AN ACT to declare Coon river, in the county of Vernon, a navigable stream.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Coon river, in the county of Vernon, is hereby declared to be a navigable stream, between the village of Chaseburg and the Mississippi river. Coon river declared to be navigable stream.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 316.

[Published March 30, 1876.]

AN ACT to amend chapter one hundred and thirty-three (133), of the private and local laws of 1857, entitled, "An act to consolidate and amend the act to incorporate the city of Kenosha," and the several acts amendatory thereof.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1), of chapter six (6), of chapter one hundred and thirty-three (133), of the private and local laws of 1857, entitled, "An act to consolidate and amend the act to incorporate the city of Kenosha," and the several acts amendatory thereof, is hereby amended so as to read as follows: For the purpose of meeting any expenditure authorized by the common council, under the provisions of this act, or any ordinance of said city, or to defray the current expenses of said city, the common council shall have power to levy and collect, annually, a tax on all such real and personal property, or capi- Amended. Power of council to levy and collect tax.

tal of any kind, within said city for the time being, subject to taxation by the laws of this state. All moneys raised and received by said city for the improvement of the harbor, or for harbor purposes, shall constitute a separate fund, to be called the "harbor fund." All moneys raised or received by said city for highways, streets, alleys or bridges shall constitute a separate fund, to be known as the "street and bridge fund." All moneys raised or received by said city for the support of the poor shall also constitute a separate fund, to be called the "poor fund." All moneys raised and received by said city for school or educational purposes shall constitute a separate fund, to be called the "school fund." All moneys raised or received by said city, not belonging to either of the funds herein above enumerated, shall constitute a separate fund, to be known as the "contingent fund." Said funds shall be kept separate and distinct, and the treasurer of said city shall keep a separate account upon the books of said city with each of the funds, and no moneys belonging to either of said funds shall be diverted or appropriated to any purpose other than that for which the same was received or raised, except by a two-thirds vote of the common council; *provided*, that no sum exceeding two thousand dollars shall be raised in any one (1) year for harbor purposes.

Denomination of funds.

Power of council to protect and improve harbor.

SECTION 2. The common council shall have power to pass and enforce such ordinance as they deem necessary to regulate and cause to be constructed, repaired and maintained, wharves and docks along the dock limits established or hereafter to be established by said council, and also to prevent sand or other obstructions from washing into the harbor of Pine creek. For the purpose of carrying into effect the foregoing powers and provisions, the common council shall have power to provide by ordinance for docking along said dock limits, or any part or portion thereof, and for requiring the owners of docks thereon to repair the same in such manner as said council shall direct, and to make or construct such other protection on any lot or lots within said dock limits to prevent obstructions from working into the harbor, creek or river, as to said council may seem best. Whenever an ordinance is passed by said common council requiring the owner or owners of any lot or lots to construct, repair or maintain any wharf or dock or to build any obstruction upon such lot or lots

as hereinbefore provided, it shall be the duty of the city clerk forthwith to serve upon the owner or owners of said lot or lots referred to in said ordinance, a true and correct copy of such ordinance, together with notice of the date of its passage in the manner provided by statute for the service of a summons in the circuit court. If service cannot be had upon such owner or owners in the manner above provided, then it shall be the duty of said clerk to enclose by mail a copy of such ordinance together with the notice aforesaid, addressed to such owner or owners at his or their place of residence, if the same can be ascertained, and if the owner or owners of such lot or lots shall neglect or refuse within one year after the passage of such ordinance, and service of notice as aforesaid, to build or repair such dock, wharves or other protection, or otherwise to comply with the provisions of said ordinance, the common council are hereby empowered and authorized to let the docking, repairing, filling, or the construction of such other specified protection of said lot or lots by contract to the lowest bidder therefor. When such work shall be completed, according to such contract and accepted by said common council, the mayor and city clerk shall issue a certificate to such contractor as provided in section three (3), of this act, for the amount of the contract price of such work. The amount so named in said certificate, with ten per cent. interest thereon, from the date of such certificate, shall be chargeable to and be a valid lien upon such lot or lots, the same as other special assessments, and it shall be collected in the same manner as other taxes upon real estate are collected, but no part of any such work shall be paid by the city; *provided*, that no such ordinance as hereinbefore mentioned shall be passed, except by a three-fourths vote of the common council.

**City clerk to add to tax-roll amount due on contractors' certificates.**

SECTION 3. The city clerk shall annually add to the tax-roll of the city, in a separate column, as a special assessment, opposite to the lots to be charged therewith, the amount due on all the aforesaid outstanding contractor's certificates issued by him and the mayor as provided by the second (2d) section of this act, together with ten per cent. interest on each of said certificates, and the same shall be collected by the treasurer as other taxes upon real estate are collected.

SECTION 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 317.

[Published April 7, 1876.]

AN ACT to amend chapter two hundred [and] three of the laws of Wisconsin for the year 1875, entitled, "An act to provide for the revision of the statutes."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two of said chapter two hundred and three, is hereby amended so as to read as follows: Section 2. The revisers appointed in pursuance of section one of this act, shall enter upon their work as soon as practicable, and it is hereby made the duty of the justices of the supreme court to superintend such revision in so far as may be necessary or proper to secure a proper revision, at as early a day as may be possible, and to see that the work of such revision progresses from month to month with all possible speed, and revisers so appointed, or any who may hereafter be appointed, shall report monthly to such justices the progress made during the preceding month, and the amount of time devoted by each of said revisers to the work of revision during such month until such work is completed, and in case such revisers shall neglect or refuse to so report for any month during such revision promptly at the close thereof, they shall be deemed and declared to have vacated their offices as such revisers, and the vacancies shall be filled by said justices as hereinafter mentioned.

Duty of justices of supreme court to superintend revision of statutes.

Revisers to report monthly to justices of supreme court.

Amended.

SECTION 2. Section three of said chapter two hundred and three, is hereby amended so as to read as follows: Section 3. All persons appointed pursuant to this act, and the acts of which this is amendatory, shall be entitled to receive the same compensation for their services, and the same allowance for clerk hire, as has heretofore been fixed by the justices of the supreme court, under the provisions of said chapter two hundred and three, which allowance so fixed shall be audited by the secretary of state upon the certificate

Compensation of persons employed, and how same audited.

of said justices, which certificate shall be filed in the office of the secretary of state, designating the compensation so fixed, and upon the statement of the revisers and clerk, under oath, which said statement shall give the time they may severally have served the state under their appointment authorized by this act, and the acts of which this is amendatory.

Duty of justices of supreme court to suspend revisers for neglect of duty.

SECTION 3. In case the justices of the supreme court shall be of opinion, upon receiving any of the monthly reports aforesaid from such revisers, that the progress made by them or the time devoted by such revisers, or either of them, to the work of revision during any such month shall not be such as to carry out the letter and spirit of this act in respect to the most speedy and proper revision of the general laws of this state, that may be judicious, it shall be and hereby is made the imperative duty of such justices to suspend said revisers or such of them as may be guilty of neglect of duty from all further labor upon such revision, and their offices shall thereupon be deemed and declared vacant.

Amended.

SECTION 4. Section four, of said chapter two hundred and three, is hereby amended so as to read as follows: Section four. In case any of the revisers so appointed, or which may hereafter be appointed, shall become incapacitated by reason of sickness or other cause, to perform their duties under this act, or in case of the death or resignation of either of said revisers, or if their offices shall in any manner become vacant, for any of the reasons herein mentioned, it shall be the duty of said justices of the supreme court to fill any such vacancy or vacancies, so caused, by the appointment, immediately thereafter, of a suitable person or persons, to fill any such vacancy, such power to extend to the appointment of a full board of revisers when the offices of any or all the revisers have become vacant.

Vacancies to be filled by appointment by justices of supreme court.

When revision completed, report to be made to legislature.

SECTION 5. When the whole work of revision shall have been completed, the said revisers shall report the same to the next succeeding legislature.

Construction of act.

SECTION 6. This act shall not be construed to repeal chapter two hundred and three, or in any manner affect the same, except as herein provided, and shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 318.

[Published April 6, 1876.]

AN ACT relating to the circuit court of the county of Winnebago.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

When court opened for transaction of business.

SECTION 1. The circuit court of the county of Winnebago shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 319.

[Published April 7, 1876.]

AN ACT to lay out and establish a state road from Viroqua to Elroy.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appointment of commission to lay out state road.

SECTION 1. Van. S. Bennett, Robert S. McMichael, and D. N. Tripp, of Vernon county, and E. Hart and F. M. Washburn, of Juneau county, are hereby appointed commissioners with full power and authority to survey, lay out and establish a state road from the village of Viroqua, in Vernon county, to the village of Elroy, in Juneau county, upon and along the most feasible route between the said villages.

County boards to fill vacancies.

SECTION 2. In case of the inability or refusal of the aforesaid commissioners, or any of them, to act, the board of supervisors of the respective counties aforesaid, shall appoint some suitable person or persons, as the case may be, to fill such vacancy, with as full power and authority to act as if named herein. Said commissioners shall have power to award damages, and settle for the same, with parties who shall or may sustain any damages, or feel aggrieved by reason of the laying out and opening of the said road, and the

Power of commissioners.

same provisions for appeal in such cases as apply to the award and adjustment of damages by town boards of supervisors, shall apply herein, except that all claims for damages may be made within one year from the time such commissioners shall have filed their report upon the laying out of said road, in the clerk's office in the counties through which said road may run.

Commissioners to file report and plat, and same to have power to open road.

SECTION 3. Upon the completion of the location, survey, and laying out of the said road, the commissioners shall make and file, in the office of the county clerk of each of the said counties, a report of the same, together with a plat of said road, and thereupon the said road shall become and be a public highway; and the said commissioners shall have the power to open out, remove obstructions from, grade, and construct said highway, in a suitable manner for travel; and for such purpose may adopt any highway now in use, build bridges and construct drains, corduroys, turnpikes, and culverts, and may do the same by contract, or otherwise, in the same manner and to the same extent, that supervisors of towns have to open highways in their respective towns.

Compensation of commissioners.

SECTION 4. As compensation for their services in laying out and opening said highway, the said commissioners shall be entitled to, and be paid the sum of two dollars and fifty cents per day, for each day actually employed in laying out and opening the said highway; said commissioners shall have power to employ such assistants as may be necessary, and at such reasonable compensation as shall be adequate to the services rendered, and the said commissioners, in their report, shall apportion the whole cost and expense of said road, fairly between the respective counties, which shall be audited and allowed by the respective boards of supervisors of said counties, and paid out of the treasury thereof.

Act to be approved by boards of supervisors.

SECTION 5. Before the said commissioners shall enter upon their duties, under this act, each of the boards of supervisors of said counties shall, at their discretion, enter an order approving of this act, and fix the amount to be expended upon said road in each year; and until such order is so entered by each of the boards of supervisors of said counties this act shall be inoperative.

Commissioners may intersect and adopt other roads.

SECTION 6. The said commissioners may, in locating and laying out such road, intersect any and all highways now laid out or opened on said route, and

adopt the same as a part of said state road, or lay out said state road only from such point or points of intersection, as said commissioners shall deem best.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 320.

[Published March 20, 1876.]

AN ACT to incorporate the city of River Falls.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

### [CHAPTER I.]

General corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Monday of April next, shall be a city by the name of River Falls; and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the city of River Falls, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, or suing or being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure; *provided*, that the question of the adoption of this act, as a charter of such city, shall be submitted to the electors of such territory before such charter shall become operative.

Question of adopting charter to be submitted to voters.

For the purpose of determining such question the qualified electors residing in such territory shall meet on the thirty-first day of March, A. D. 1876, at 10 o'clock A. M. of that day at such place as the the inspectors of such election shall appoint and vote by ballot upon such question. O. S. Powell, C. H. Crossman and George Pratt are hereby appointed inspectors of such electon. In case of a vacancy in such board of inspectors the electors present shall choose viva voce from the qualified electors of such territory

so many inspectors as there are vacancies in said board, and the persons so chosen shall be authorized to act as inspectors of such election. Such inspectors shall give notice of such election by posting notices thereof in at least three public places in such territory, at least five days prior to such election. Such notice shall specify that at the time and place mentioned in said notice, a meeting of the qualified electors of such territory, will be held to determine the question of the acceptance of this charter. At such meeting the polls shall be opened at 10 o'clock in the forenoon, and shall be kept open till 5 o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at twelve o'clock noon, for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting. Such inspectors shall preside and act as inspectors at such meeting, and may designate one of their number to act as clerk thereof; and all laws of this state applicable to the election of town officers, shall apply to such meeting and to all proceedings thereat, so far as the same may be applicable and are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for town officers in the town or towns in which such territory or any part thereof shall lie, may vote at such meeting by a ballot having thereon the word "yes" or the word "no." If the majority of the ballots given at such election shall have thereon the word "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a city under the provisions of this act, and such act is hereby declared to be inoperative. But if a majority of such ballots shall have thereon the word "yes," the inhabitants of such territory shall be deemed to have accepted the provisions of this charter, and this act shall be of full force, and the territory comprising the following limits and boundaries shall constitute the city of River Falls, to-wit: Section number one (1), of town twenty seven (27), of range nineteen (19) west. The said inspectors shall make a return of the results of such election and file duplicates of the same in the office of the register of deeds of the county of Pierce; and such return shall be *prima facie* evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

City boundaries.

Ward boundaries.

SECTION 2. The said city shall be divided into wards as follows: All that teritory in said city lying east and south of the Kinnickinnic river shall constitute one ward, to be known as the first ward, and that portion of said territory lying north and west of said river shall constitute one ward to be known as the second ward of said city, the middle of said stream to be the boundary line between said wards.

## CHAPTER II.

Elective officers and terms of same.

SECTION 1. The elective officers of said city shall be a mayor, a marshal, a treasurer, one justice of the peace for each ward, four aldermen, two for each ward, two assessors, one for each ward, who shall constitute a board of assessors, one constable from each ward, which said officers shall hold their respective offices as follows: The mayor, marshal, treasurer and assessors, for one year; aldermen, except as hereinafter prescribed, justices of the peace, and constables for two years. The term of office shall commence on the second Monday in April next after their election. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Election of city officers.

SECTION 2. On the first Tuesday in April next, the qualified electors of said city shall elect one mayor, one treasurer, one marshal, four aldermen, two justices of the peace, two constables, and two assessors, which said officers shall be qualified voters resident in said city. The said O. S. Powell, C. H. Crossman and George Pratt, or a majority of them, shall designate the place of holding the first election in said city, by posting at least three notices thereof in conspicuous places in said territory at least five days before said election, and at each election the voters present shall have power to proceed by nomination and viva voce election of three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this state) to see that said election shall be conducted in accordance with existing laws of the State of Wisconsin, and any fraud or violation of said laws at said election shall be punishable as any

violation of the election laws in any part of said state; and at every subsequent first Tuesday in April, elections shall be held for the officers above designated, and said election shall be presided over by the aldermen of said ward, or in case of their absence or disability to attend, the voters present at the hour of opening of polls shall elect by viva voce a sufficient number of inspectors to make three with the aldermen present, who shall be sworn in accordance with the laws of the state; they shall appoint and swear two clerks and shall see the names of the voters registered and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls and shall certify and seal returns, and the day following the election shall direct and return the said return to the clerk of the city council. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers who shall, within five days after election, meet at the common council chamber and canvass such returns and after the aforesaid returns have been canvassed by said board the mayor shall notify by certificate the persons elected to the respective offices. The returns of the first election shall be made to the persons constituting the board of inspectors first herein provided for, and they or any two of them, shall canvass said votes and shall certify to and notify the officers elected. The polls shall be kept open in the ward from nine o'clock in the forenoon until five o'clock in the afternoon.

**Elections to fill vacancies.**

SECTION 3. In the event of a vacancy in the office of mayor and justice of the peace, by death, removal or disability, the common council shall order a new election and shall give not less than five days notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

**What elections by ballot and what viva voce Tie vote.**

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may be viva voce. When two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined

by casting of lots in the presence of the common council at such time and in such manner as they may direct.

Qualifications of voters.

SECTION 5. All persons entitled to vote for state and county officers, and who shall reside within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Oath of electors.

SECTION 6. If either of the inspectors of elections or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformable to the laws of the United States on the subject of naturalization), that you have resided in this state one year, and now reside in this ward, and that you have not voted at this election, and that you have made no bet or wager depending upon the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes; and if any inspector or alderman shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and upon conviction thereof shall severally forfeit and pay a sum not exceeding five hundred

Penalty for taking oath falsely and for making false returns.

dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen or inspectors as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections. Special elections.

SECTION 8. There shall be elected at the first election under this act, three aldermen, who shall hold office for one year, and three aldermen who shall hold office for two years, and at every annual election thereafter, three aldermen who shall hold office for two years. Election of aldermen.

SECTION 9. Any officer removing from the city, and any officer who shall neglect or refuse to qualify on or before the second Monday next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as hereinafter provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such offices immediately after receiving notice of such election or appointment. When vacancy to be declared and how filled.

## CHAPTER III.

SECTION 1. Every person elected or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, marshal, constable, policeman, justice and justice of the peace, and such other officer as the common council may direct, shall severally, before they enter upon the discharge of their respective offices, execute to the city of River Falls a bond, in such sums and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Officers to take oath and give bonds.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall communicate in writing to the common council once a year such in- Duties of mayor.

formation as the common council may require, and shall communicate once a year such information as he may deem necessary.

President of council.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in absence of the mayor the said president shall preside over the meeting of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who for the time being shall discharge all the duties of mayor. The president or temporary presiding officer shall while presiding over the council or performing the duties of mayor, be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Duties of city clerk.

SECTION 4. The common council shall elect a city clerk; he shall keep a corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence of all legal proceedings. Copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal shall be evidence in all courts in like manner as if the originals were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book procured for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax-lists delivered to him for collection and all sums of money paid into the city treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations.

Duties of city treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as he shall be required, and annually, at least ten days before the annual election, make a full and detailed account of all the receipts and ex-

penditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

SECTION 6. The marshal shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license money. He shall possess the power of constable at common law, or by the laws of this state, coextensive with the county of Pierce, shall be subject to the same liabity and receive like fees. Duties of marshal.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office. Power of council to require further duties of officers.

SECTION 8. The common council shall annually provide that all advertising or publishing authorized or required by them to be done for their use for the city, shall be let by contract to the lowest bidder for the term of one year; *provided*, that no bid therefor shall be considered unless the same shall be lower than the rate of legal advertising fixed by law; all ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council shall be published in the newspapers selected under the provisions of this section, and the printer of said newspaper shall either in person or by his foreman file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceedings have been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law. How advertising and printing to be done.

SECTION 9. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all property, money, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held he shall forfeit and pay to the city for its use one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover Penalty for neglect or refusal to deliver books and papers to successor.

the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers and powers of same.

SECTION 10. The mayor, sheriff of Pierce county aforesaid, each and every aldermen, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when required, such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City surveyor.

SECTION 11. The common council shall elect a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans, or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same together with all books and papers pertaining to said office shall be delivered to his successor or the common council at the expiration of his term of office.

## CHAPTER IV.

How common council constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of River Falls do ordain," &c. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members to be served personally or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

SECTION 3. The common council shall have control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution of the United States and of this state, and for these purposes shall have authority, by ordinance, resolution or by-law: 1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law; and to grant license for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victual-houses and the persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by laws of this state and that no license shall be granted for a less time than one year, and shall expire on the first Tuesday in April, except in special cases the council may issue the same for a fractional portion of a year to expire on that day; *and provided further*, that no person thus licensed shall sell or give away spirituous, vinous or fermented liquors on election days; and all moneys derived from licenses shall be paid into and constitute a part of the city general fund. 2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards or dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council. 3d. To prevent any riots, noise, disturbances or disorder-

General powers of common council.

To issue license

To prevent gambling, riots etc.

ly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming. 4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap-factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. 5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection of, and use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material. 6th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever. 7th. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. 8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance. 10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholsome substances, and to require the removal of the same by any person who may have upon his premises, any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. 11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds, and public buildings, with gas or otherwise. 12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from

To abate nuisances.

To prevent encumbering of streets, horse-racing, and running at large of cattle, dogs, etc,

To require removal of unwholesome substances.

taxation. 13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. 14th. To prevent all persons from riding or driving any horse, mule, or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks. 15th. To prevent any shooting of fire-arms or crackers, and to prevent the exhibitions of fire-works in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to the citizens thereof. 16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. 17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. 18th. To make rules and ordinances for the government of the police of the city. 19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish and restrain all persons from interrupting the due observance of such rules and regulations; to regulate and license butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. 20th. To regulate the place and manner of weighing hay, selling the same and measuring and selling fuel and other gross commodities, and to appoint suitable persons to superintend and conduct the same. 21st. To compel owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto; and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substance by officers of the city at the expense of such owner or occupant. 22d. To regulate, prevent and control the landing of persons from cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. 23d. To regulate the time, place and manner of holding public auctions and vendues. 24th. To appoint watchmen and regulate their duties. 25th. To provide by ordinance for a standard of weights and measures, and for the pun-

To preserve good order.

To establish markets.

To make various police regulations.

ishment for the use of false weights and measures. 26th. To alter or change the name of any street in the city, and to re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county in which the same is situated: and after the making and recording of such plat, such lots or tracts may be assessed or conveyed by the numbers or designations upon such plat, and such numbers and designations shall be valid descriptions for all purposes of assessment, tax-deeds and conveyances. 27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes or alleys, and sidewalks and bridges, and to keep them free from incumbrance, and to protect them for injury. 28th. The common council shall have power to require the owner of any lot or grounds in the city to set out shade or ornamental trees, in street or streets, fronting the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds, to pay the expense of the same. 29th. The common council shall have jurisdiction over the entire water-courses bordering on such city, or running through the same, so as to prevent any deterioration of the waters or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the waters shall be impaired, and may also prohibit the taking of fish in the waters thereof, during such months as they shall designate.

To lay out and compel improvements of streets, grounds etc.

How laws, ordinances, etc., to be passed.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

What considered nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions

or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, houses or buildings of any kind, wherein more than 100 pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts of officers and settle with same.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and all other officers and agents of the city, at such times as they may deem proper; also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books accounts and vouchers for such examination and settlement; and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render their accounts, or present their books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties and shall make a full record of all such settlements and adjustments.

## CHAPTER V.

Power of council to lay out streets, etc., and to take lands therefor.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the course and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if a portion of such lands

Notice to owner of lands to be given.

shall not be in actual occupation of any person, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Form of notice

SECTION 2. Such notice shall state on a certain date therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court for the county in which such lands may be situated, for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in said petition.

Appointment of jurors to view premises.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises to be specified in said precept, and to make returns under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

Substitution of jurors.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises and hear testimony

SECTION 5. The said jurors, at such times as they shall agree upon, shall proceed in a body to view the premises in question; and shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report and directing the said jurors within one month thereafter, or such further time as may be deemed proper to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid, to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

In case it is reported necessary to take premises.

SECTION 8. If there should be any building in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of each building to the owner aside from the value of the land, and the injury to him in having the said building taken from him; and secondly, the value of such building to him to remove.

In case of lands being occupied by buildings.

SECTION 9. At least ten days previous notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require parties interested to appear by a day to be therein named or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated or of their intent to remove said building, at the value thereon set by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Notice of determination to be given owners of land.

Parties interest to appear and give notice of intent.

SECTION 10. If the owner refuses to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of said building at public auction for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

In case owner refuses to take building to remove.

SECTION 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken and all such other premises as will in their judgment, be injured or benefited thereby. After hearing

Jurors to view premises and appraise value thereof.

such testimony as may be offered by any parties interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken; and the injury arising to them, respectively, in consequence of the taking thereof, shall be awarded to the owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by the owner aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference betwen such value, and the whole estimated value, of such building or buildings.

Damages or benefits to be determined.

SECTION 12. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners, respectively, and the difference only shall in any case be collected by or payable to them.

When property belongs to several persons or is subject to lease or mortgage.

SECTION 13. If the lands or buildings belong to several persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors less the benefits resulting to them respectively from the proposed improvements.

Jury to apportion and assess damages and expenses.

SECTION 14. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors shall therupon apportion and assess the same together with the cost of the proceedings upon the real estate, by them deemed benefited, in proportion to the benefits resulting from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of such jurors shall be signed by them and returned together with the testimony taken, to the common council within the time limited in their order or appointment.

When lands shall become vested in city.

SECTION 15. The lands required to be taken for the purpose mentioned in this act shall not be appropri-

ated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; and in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, with the city treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys, and public grounds, heretofore opened and laid out.

Contracts, leases, etc., to be discharged.

SECTION 16. When the whole of any lot or tract of land, or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or agreements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report, respectively, cease and be absolutely discharged.

When only part of land taken, contract or lease of balance to remain valid.

SECTION 17. When only part of a lot, or tract of land or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements, respecting the same, upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, or in respect to the same.

Damage to be paid within six months.

SECTION 18. The damages assessed shall be paid or tendered or deposited as herein required, within six months after the confirmation of such assessment and reports, and if not so paid, tendered and deposited, all the proceedings in any case shall be void. The benefits so assessed from the confirmation of such report shall become and remain a lien upon the premises so determined by the opening or widening of such street, alley or public ground.

Benefits assessed to become a lien.

When lands belong to an infant or person under legal disability.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit court of the county in which said lands may be situate, or in his absence, the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such

party, and all notices required by this act shall be served upon such guardian.

Council may appoint new jurors.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, and the jurors before entering on the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to take oath.

Right of appeal to circuit court

SECTION 21. Any person whose property is taken, or against whom an assessment is made, may, within ten days from the return of said jurors to the common council, appeal from the said assessment of damages or benefits, to the circuit court of the county in which such lands may be situate, where such appeals shall be tried by the court and jury as in ordinary cases. The common council shall have the same right to appeal.

Survey and profile of street alley or public ground to be made.

SECTION 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

## CHAPTER VI.

Council may survey and cause map of streets to be made.

SECTION 1. The common council may cause a survey of all streets to be made and the grade thereof established, and an accurate and perfect map and profile of the same made and deposited with the clerk of said city, with suitable field notes and explanations thereof, to enable the same to be fully understood, which grade shall be strictly complied with, unless altered and modified as hereinafter provided, in the opening and grading of all streets, and in the erection of all bridges, sluices. water-courses and drains, and in constructing all sidewalks, platforms, cross-walks and alley-ways.

Power of council to alter grades of streets.

SECTION 2. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to alter such grade, or establish a

new one in such street or part of street set out in such application as the public good may seem to require.

SECTION 3. Any person not being a signer of such application, who shall complain to have sustained damages by such change of grade, shall have his right of action against the city for the recovery of the same; *provided*, that no suit shall be brought against the city for the recovery of such damages until application shall have been made to the city council, and said council shall have refused or neglected for three months to settle the same; the signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

**Right of action against city for damages sustained.**

SECTION 4. The common council shall have power to elect a street commissioner who shall have power to require every resident liable to work on the highways, by the laws of this state, to perform one day's labor in each year on the streets in said city and in case any such person shall neglect or refuse to perform such labor at such time and place as such commissioner shall direct, to assess, sue for and collect of every such person, one dollar and fifty cents in lieu thereof, which shall be expended in improving the streets, under the direction of the common council, by said commissioner.

**Street commissioner—his duties.**

**Poll-tax.**

SECTION 5. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and watercourses, are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of the streets or sidewalks, unless the common council shall otherwise provide. The street commissioner shall annually report to the common council a correct statement of all moneys by him collected under the provisions of the fourth section of this chapter, and the manner of expending the same.

**Street commissioner to enforce ordinances relating to streets, etc.**

**Other duties of same.**

SECTION 6. Sidewalks shall be constructed upon the proper and established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by the ordinances, resolution or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not

**Construction of sidewalks.**

construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days, of the time and place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *provided*, that no such contract shall be let until sixty days' notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city; *provided*, that no such sidewalk shall be constructed except upon the petition of two-thirds of the owners of such lots and blocks, who shall be residents of such city. Such sidewalks shall be maintained at the expense of the city.

How expenses to be paid.

## CHAPTER VII.

Control of council over city funds.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by the common council, and in no other way; and in all appropriations of money by the common council the ayes and noes shall be taken, and recorded on the journal.

How orders to be drawn.

SECTION 2. All orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be made payable to the order of the person entitled to receive the same, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to or tax or assessment levied by authority of the city, except taxes levied for school purposes.

Debts to be authorized by council.

SECTION 3. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and no money be appropriated, for any purpose whatever, except such as is expressly authorized by this act.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Forfeitures, etc to be paid into city treasury.

SECTION 5. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; the assessor elected under this act shall have and possess the same powers that are or may hereafter [be] conferred upon township assessors, except as far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment-rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to the revising, altering or perfecting such rolls as they may from time to time deem advisable.

Taxes and assessments.

SECTION 6. On or before the third Monday of June in each year, the assessors shall, with the president of the common council and the city clerk, meet at the common council chamber, and shall organize by electing one of their number chairman, and, on or before the first day of July of each year, the said assessors shall make out an accurate and complete assessment-roll, which shall contain a description, as near as may be, of all lands, lots, or parcels of land within the city, sufficient to indentify the same; and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic shall be affixed the value of personal property to each. When there are buildings upon any lot or tract of land the value of the same shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be necessary to enter the name of the owner, when known, opposite to any tract, lot or parcel of land. The assessment shall be certified to by the chairman or majority of the assessment board, and such certificate shall be conclusive

Assessment roll—how to be made.

evidence of the organization of the assessment board and the election of such chairman.

Board of review.

SECTION 7. On the first and second Monday of July and at such other times as they may appoint, the assessment board shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same shall make such alteration as justice and equity may require.

Revision of assessment roll.

SECTION 8. On or before the first day of September in each year the assessment roll shall be returned to the common council by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

Levy of taxes.

SECTION 9. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect which shall appear in the proceedings of the common council; *provided*, that the said council shall not levy a tax for general purposes exceeding three-fourths of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election.

Taxes to be lien on property.

SECTION 10. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property.

SECTION 11. The board of supervisors of the county of Pierce may levy a tax or taxes upon such portion of the territory of such city as may be comprised within the limits of such county, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Board of supervisors of Pierce county may levy taxes

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of River Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

City clerk to make out tax-roll.

SECTION 13. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Tax-list to be evidence.

SECTION 14. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor or clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law, and said clerk shall on or before the twenty-fifth day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Duplicate tax-list to be delivered to the treasurer.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to

Treasurer to collect taxes.

collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes paid or collected after that time, to be added to the the amount of taxes and collected with the same, and two per cent. upon all moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Fees of treasurer.

Treasurer to make out delinquent tax-list.

SECTION 16. On or before the fifteenth day of February of each year the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers. The said treasurer shall also at the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or are required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of River Falls at the same time and in the same manner as other delinquent lands are sold in said county.

No exemptions from special taxes.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Assessment not vitiated by informalities.

SECTION 19: All the directions hereby given except in section nine, of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or the assessment.

## CHAPTER VIII.

### SCHOOLS.

SECTION 1. The common schools of the city of River Falls shall be under the supervision and control of the district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

Status of public schools.

## CHAPTER IX.

### FIRE DEPARTMENT.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other material, that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire-limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

Power of council to prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-

Power of council to guard against fires.

standers to aid in the extinguishment of fires as the common council may deem expedient.

Purchase of fire apparatus and organization of fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus; *provided*, that the common council shall not expend for such purposes a sum exceeding one thousand dollars in any one year without first submitting the question to a vote of the electors of said city, and being authorized by them to expend a larger sum; and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of fifteen and sixty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments.

Appointment of chief engineer and assistants.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of June in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council, for appointment, one chief engineer, and one assistant engineer, and the common council shall thereupon confirm such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire warden—his duties.

SECTION 5. At such times the members of said company shall nominate, and the common council shall appoint the fire-warden, who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Fines, etc., to be paid to fire department.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-laws or regulation made in pursuance of this chapter, shall be paid to the fire-department.

Arrests for disobedience of orders, and for disorderly conduct.

SECTION 7. Whenever any person shall refuse to obey any lawful order of engineer, fire-warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable, watchman or citizen to arrest such person, and to confine him temporarily in any safe place, until such fire be extinguished; and in the

same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

Work for city to be let by contract.

SECTION 1. All work for the city, exceeding the sum of fifty dollars, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Actions to be brought in corporate name of city.

SECTION 2 All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may require; *provided*, that nothing herein contained shall be so construed as to prevent any police officer from arresting without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, noisy, boisterous or disorderly conduct on the streets or public places, and taking such persons forthwith before the police justice of the peace, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Proviso.

Executions—persons against whom directed may be imprisoned.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed, according to the laws of this state. The execution, except in cases ex-contract, shall require the defendant in any such action, in case no goods or chattels, land or tenements whereof the judgment can be found, to be imprisoned in the jail of Pierce county for a term not exceeding three months in the discretion of the justice or judge rendering judgment, unless the same be sooner paid, or discharged by the common council.

Residence not to disqualify witnesses, etc.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in a proceeding or action in which he shall be a party in interest.

When election not held at prescribed time, may be held subsequently.

SECTION 5. If any election of the people or common council shall not, for any cause, be held at the time and in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had at any subsequent day by order of the mayor, and in case of the failure of the first election, by order of the proper person, be done by any person or persons at any time specified; and if the same are not done and performed, such persons or officers may appoint or give notice of another time at which such acts may be done and performed.

Executions against city—how paid.

SECTION 6. When judgment shall be recovered against the city or any ward thereof, or against any city officer in any action prosecuted by or against him in his name of office, where the same shall be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher; but if payment thereon be not made within sixty days after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor; nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held or sold for any debt or liability of said city.

Private property not liable for city debts.

Actions against city—how conducted.

SECTION 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such demand or proceedings as the ordinances or resolutions of said council may provide.

City may hold property.

SECTION 8. The said city may lease, purchase and hold real and personal property, sufficient for the convenience of the inhabitants thereof, and may sell

and convey the same, and the same shall be free from taxation.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. General laws not to affect charter.

SECTION 10. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for any services while attending any meeting of the common council; and compensation for other services shall not exceed the sum of two dollars per day. Compensation of city officers.

SECTION 11. The citizens of the town of River Falls shall have power to hold all town meetings and general or special elections at such place, either in the town of River Falls or city of River Falls, as they may determine, in the same manner as if this act had not passed, and with like effect as if held in the town of River Falls. Town election may be held in city.

SECTION 12. Every license issued by authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any licence be issued for dealing in, selling, or vending spirituous, vinous, or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed the receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor. Every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous, vinous or malt liquors on general or special election days. Licenses—how issued.

SECTION 13. Every person having such license, who shall vend, sell, or give away any spirituous, vinous, or malt liquors, on any election day, shall be liable to prosecution under this act, or the ordinances of the city, or may be indicted in the circuit court of the county in which such offense may be committed, and upon conviction thereof every such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail of such county not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void. Penalty for selling liquors on election day

Proceedings to recover title of lands sold for taxes.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the city limits, held or claimed by virtue of any deed purporting on its face to be executed on account of any sale for taxes or assessment levied after the passage of this act, until the person commencing the suit or proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holders or claimant under such deed, an amount of money equal to the amount of taxes, charges and costs paid in procuring such deed and all subsequent taxes, costs and charges upon the lot or lands described in such deeds and paid by such holder or claimant under such deed, except in cases when the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section one hundred and nine (109), chapter fifteen (15), title five (5), of the revised statutes.

Jail of Pierce county to be used by city.

SECTION 15. The use of the jail of Pierce county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Relations between city and town of River Falls.

SECTION 16. From and after the first Tuesday in April, A. D. 1876, if this charter be accepted by the electors of said territory, as herein specified, all connections between said territory and the town of River Falls shall cease for town purposes; but such territory shall be liable to pay its just proportion of all the indebtedness of said town, and shall be entitled to receive a like proportion of any surplus in the treasury of said town. The town clerk of said town of River Falls shall immediately after receiving notice of the assessments as equalized by the county board, certify to the city clerk of the city of River Falls the amount of indebetedness of his town of which the said city should pay a proportionate part and the amount of interest, or principal and interest,

which said town had determined to pay on such year, and the proportion of the territory taken from said town and incorporated in such city, should pay, which amount shall be determined from the equalized assessment made by the county board of supervisors of the county of Pierce, and it is hereby made the duty of the board of supervisors of the county of Pierce to determine such relative value from year to year, of such portions of such territory so long as such indebtedness shall continue to exist. The city clerk of such city shall at the time of making the tax-roll of said city each year, carry out upon such tax-roll against the property, real and personal, in such territory, a tax sufficient to pay the proportionate amount so certified by each town clerk, and the treasurer of said city shall pay over such amount to the treasurer of such town, on or before the first day of February following such assessment, taking the receipt of such treasurer for the same.

Election of aldermen.

SECTION 17. At the first election held in said city, the qualified electors shall elect six aldermen, two in each ward, three of whom shall hold their office one year, and three shall hold their office two years, and each voter shall specify upon his ballot the term for which each alderman shall hold his office. And at every annual election thereafter there shall be elected three aldermen who shall hold their offices two years.

Jurisdiction of justices of the peace.

SECTION 18. The justices of the peace in said city shall have jurisdiction to try all offenses against the ordinances of said city, and may impose such penalties as such ordinances may prescribe.

Supervisors.

SECTION 19. The qualified electors in each ward in said city shall annually elect one supervisor to represent such ward in the county board of the county in which said ward is situated.

SECTION 20. This act shall be in force and take effect from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 321.

[Published March 21, 1876].

AN ACT to appropriate to the Home of the Friendless, of Milwaukee, a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Home of the Friendless the sum of five hundred dollars, out of the general fund, for the care and shelter of friendless persons.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 322.

[Published March 21, 1876.]

AN ACT to appropriate to St. Luke's Hospital, of Racine, five hundred dollars.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the St. Luke's Hospital, in Racine, for the care and maintenance of the sick, five hundred dollars, out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 323.

[Published March 21, 1876.]

AN ACT to appropriate to the Milwaukee Industrial School, a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Milwaukee Industrial School, the sum of one thousand dollars, out of the general fund, for the maintenance of the children kept and maintained therein. Appropriation.

SECTION 2. This act shall take effect from its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 324.

[Published March 21, 1876.]

AN ACT to appropriate to the St. Nazian Society, of the county of Manitowoc, a sum of money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It is hereby appropriated to the St. Nazian Society, of the county of Manitowoc, the sum of five hundred dollars, out of any money not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 325.

[Published March 21, 1876.]

AN ACT to appropriate to Reuben May a sum of money to cover his expenses in contested election case.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of three hundred dollars, to pay the expenses of the contestant in the case of the contest for the office of senator for the 4th senatorial district, at the present session of the senate, and it is ordered that said amount be paid to Reuben May, for that purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 326.

[Published March 21, 1876.]

AN ACT to appropriate to the St. Joseph's Orphan Asylum a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the St. Joseph's Orphan Asylum, of Milwaukee, the sum of five hundred dollars out of the general fund, for the maintenance of orphans.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 327.

[Published March 21, 1876.]

AN ACT to appropriate to the St. Aemelianus Orphan Asylum, of Milwaukee, a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the St. Aemelianus Orphan Asylum the sum of five hundred dollars, out of the general fund, for the maintenance of orphans. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 328.

[Published April 6, 1876.]

AN ACT to provide for levying a state tax for the year 1876.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be and is hereby directed to be levied upon the taxable property of the state, a state tax for the year of our Lord one thousand eight hundred and seventy-six, of three hundred and eighty-three thousand and eight hundred and twenty-nine dollars, in addition to the amounts authorized to be levied by existing laws. Said tax shall be apportioned and certified by the secretary of state to the several counties, and by the clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing law. Levy of state tax for 1876.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 329.

[Published April 6, 1876.]

AN ACT to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in town thirty-eight north, of range twenty west.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to erect bridge.

SECTION 1. The county of Burnett is hereby authorized to erect and forever maintain a free bridge across the St. Croix river, in town thirty-eight north, of range number twenty west; *provided*, the total cost of building and completing said bridge shall not exceed five thousand dollars; *and provided further*, that nothing herein shall be held or construed to authorize any impeding or obstruction of the free navigation of the St. Croix river for logs or lumber.

Board of supervisors to fix location of bridge, and contract for erection of same.

SECTION 2. The board of supervisors of said county of Burnett is hereby authorized empowered to fix upon and determine, within the limits mentioned in section one of this act, the exact location of the bridge by this act authorized to be erected; and said supervisors are authorized and empowered to contract, in behalf of said county and in its corporate name, with one or more responsible parties for the erection of said bridge, in whole or in part, as the best interests of the public shall seem to require, and all contracts shall be let in a public manner, and to the lowest responsible bidder, after a public notice of at least three weeks, published in one or more newspapers in the counties of Burnett, Wisconsin, and Chisago, Minnesota; *provided*, that the time for awarding such contract or contracts may be postponed from time to time, as the public interest may require, and reasonable public notice of such postponement shall in all cases be given; *and provided further*, that said board of supervisors shall have the right, if in their best judgment the public interests will be best subserved thereby, to cause the erection and completion of said bridge, under the supervision of a committee, not exceeding three in number, to be chosen viva voce by the said board of supervisors at a meeting thereof, and to act during the pleasure of the said board of supervisors.

SECTION 3. The bridge aforesaid shall have strong railings at the sides, and shall be constructed and maintained in a safe and substantial manner for the passage of teams, animals and foot-passengers; and the said board of supervisors may at any time prescribe regulations for the government of said bridge, including penalties for the violation thereof, not inconsistent with the laws of this state, which penalties may be enforced by actions as for tort, brought in the name of the state and at the instance of any tax-payer, and shall be in all respects conducted like ordinary actions in tort, before any justice of the peace of said county, and all moneys recovered in any such action exclusive of costs shall be paid into the county treasury. A legible copy of all regulations and of penalties for violations thereof, hereby authorized, shall be posted in a conspicuous place upon or near each end of said bridge, and shall immediately thereafter be deemed in full force.

How bridge to be constructed.

Board to fix and enforce regulations.

SECTION 4. The board of supervisors of said county of Burnett is hereby authorized at the time and in the manner provided by law for levying county taxes, to levy a tax upon the taxable property in said county sufficient to pay the expenses of erecting and completing the said bridge; *provided*, that not more than one-third of said amount shall be levied as aforesaid in any one year. The tax so levied in any year shall be certified separately by the county clerk to the several towns, villages, and cities in said county, and shall by them be put in the assessment roll in a separate column, and shall be designated as "county bridge tax," and shall be payable in money.

Levy and collection of county bridge tax.

SECTION 5. If the board of supervisors of said county of Burnett shall deem the same preferable to the mode of raising money to erect the said bridge authorized by this act, it shall be lawful for the said board of supervisors to issue and negotiate the coupon bonds of said county of Burnett in lieu of the bonds heretofore authorized to be issued by said county for court house purposes, to the amount of five thousand dollars, in denominations of not less than fifty dollars each, payable ten years after date at the county seat of said county, with interest at ten per cent. per annum, and the proceeds or avails of said bonds shall be expended in the construction of said bridge.

Board may issue coupon bonds.

SECTION 6. In case the said county board shall issue the bonds of said county, as aforesaid, the said county

Levy of tax to pay principal

and interest of bonds.

board shall annually thereafter levy a tax upon the taxable property of said county, sufficient to pay the interest on all the bonds which, at the time of levying the said tax, shall be outstanding and the principal of so many of said bonds as shall mature and become payable in such year, which tax shall be called the "county bridge tax," and shall be paid in money, or in the bonds and coupons then due and payable.

County clerk to keep record of bonds.

SECTION 7. The county clerk of said county shall keep a faithful record of the bonds of said county which may be issued under the provisions of this act, which record shall contain a statement of the number of bonds issued, to whom issued, the amount of each respectively, when they will mature, and the rate of interest thereof, which record shall be open to the inspection of the public at any reasonable hour.

Levy of tax for repair of bridge

SECTION 8. The said county board of supervisors is hereby authorized to levy such a tax annually, as may be necessary therefor, upon the taxable property in said county, for the purpose of maintaing and keeping in repair the said bridge, after the same shall have been erected.

Construction of act.

SECTION 9. This act shall be construed favorably in all courts and places to effect the purpose intended to be accomplished,and shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 330.

[Published March 18, 1876.]

AN ACT to provide for the election of justices of the peace in the city of Watertown.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Election of justices of the peace.

SECTION 1. At the annual election for city and ward officers in the city of Watertown, on the first Tuesday of April next, there shall be elected by the qualified electors of each ward in said city, one justice of the peace, who shall hold his office for two years, and until his successor is elected and qualified; *provided*, that in the year 1876, the justices elected for the first, third, fifth and seventh wards shall hold their offices

for two years, and the justices elected for the second, fourth and sixth wards, shall hold their offices for one year. Every year thereafter there shall be elected one justice for each ward, who shall hold his office for two years.

SECTION 2. The said justices of the peace, when elected and qualified, shall be vested with the like civil and criminal jurisdiction within the limits of said city, and also within the county in which they may be respectively elected, as justices of the peace in the several towns. They shall also have original jurisdiction of all complaints and actions for violations of city ordinances of said city. They shall also hold their offices in the respective wards for which they are elected. Jurisdiction of justices.

SECTION 3. All acts or parts of acts of the city charter of said city, conflicting with or contravening any part of this act, are hereby repealed. Repeal of conflicting acts.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 331.

[Published April 1, 1876.]

AN ACT to confer on certain associations of the citizens of the State of Wisconsin, the powers and immunities of corporations and bodies politic in law.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. At any time when five or more persons may desire to form a mutual savings fund, loan or building association under the provisions of this act, they shall make and subscribe a certificate of organization, and shall file the same in the office of the clerk of the circuit court of the county in which they intend to carry on the business of such corporation, and such certificate shall specify: 1st. The name assumed by such association, and by which it shall be known. 2d. The amount of its capital. 3d. The city, village or town in which such association designs to carry on its corporative business; and upon filing such certificate as hereinbefore provided, the persons subscribing the same may exercise all the corporate powers and Formation of mutual savings fund, loan, or building association.

privileges conferred, and shall be subject to all the liabilities of this act; *provided*, that no charter granted under or by virtue of the provisions of this act shall be for a longer term than twenty (20) years.

Limit of term of charter.

Capital stock.

SECTION 2. The capital stock of any corporation created by virtue of this act, shall at no time consist of more than two thousand five hundred (2,500) shares, of two hundred dollars ($200) each, the instalments on which stock are to be paid at such time and place as the by-laws shall appoint, no periodical payment to be made exceeding two dollars ($2), on each share. Every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon, under the provisions of the charter and by-law, and the by-law may prescribe the form and manner of enforcing such lien. New shares of stock may be issued in lieu of the shares withdrawn or forfeited; the stock may be issued in one or in successive series, in such amount as the board of directors or the stockholders may determine, and any stockholder wishing to withdraw from the said corporation shall have power to do so by giving thirty (30) days notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, and such proportion of the profits as the by-laws may determine, less all fines and other charges; *provided*, that at no time shall more than one-half of the funds in the treasury of the corporation be applicable to the demands of withdrawing stockholders, without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security. Upon the death of a stockholder, his or her legal representative shall be entitled to receive the full amount paid in by him or her, and legal interest thereon, first deducting all charges that may be due on the stock; no fines shall be charged to a deceased member's account from and after his or her decease, unless the legal representative of such descendant assume the future payments on the stock.

Stock subject to lien.

How stock to be issued.

In case of death of stockholder.

What shall be determined by by-laws.

SECTION 3. The number, titles, functions and compensation of the officers of any corporation created by virtue of this act, their terms of office, the time of their elections, as well as the qualifications of electors, and the ratio and manner of voting, and the periodical meetings of the said corporation, shall be determined by the by-laws.

SECTION 4. The said officers shall hold stated meetings, at which the money in the treasury, if over two hundred dollars ($200), shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan, shall be entitled to receive a loan of two hundred dollars ($200) or more for each share of stock held by such stockholder; *provided*, that a stockholder may borrow such fractional part of two hundred dollars ($200) as the by-laws may provide, and good and ample security shall be given by the borrower to secure the repayment of the loan. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he or she shall be charged with one month's interest, together with any expenses incurred, and the money shall be reloaned at the next stated meeting. In case of non-payment of installments or interest by borrowing stockholders for the space of six months, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by proceeding on their securities according to law.

Money in treasury to be offered for loan in open meeting.

When security is not given, money to be re-loaned.

In case of non-payment of interest, etc.

SECTION 5. A borrower may repay a loan at any time, and in case of the repayment thereof before the expiration of the eighth year after the organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid, for every year of the said eight years then unexpired; and in case of recovery of loans by process of law, when the amount collected by or distributed to the said corporation shall exceed the amount of loan taken by the borrower, with interest and charges, the money shall be reloaned at the next stated meeting, and the excess recovered beyond the amount required to pay the loan, with interest and charges, shall be returned to the borrower from whom the money was collected, or his legal representatives; *provided*, that in case the said corporation shall have issued its stock in series, such reloan shall be made only to the stockholders of the same series; *and provided*, that if the premium offered for the reloan shall be greater than that originally given by the defaulting borrower, the amount of the original premium only shall be paid over by the said corporation; *and provided*, that such defaulting borrower may at any time after said reloaning, demand from said corporation the amount required to be paid to a stockholder withdrawing his stock, saving and

When loan repaid before eighth year.

When loan recovered by process of law, reloan to be made.

excepting however, to the said corporation, the right to retain so much of the whole thereof, as may be requisite to save it from loss, in case the amount recovered shall not suffice to pay the reloan.

Premiums, etc. not to be deemed usurious.

SECTION 6. No premiums, fines or interest on such premiums, that may accrue to the said corporation, according to the provisions of this act, shall be deemed usurious, and the same may be collected as debts of like amount are now collected by law in this state.

Officers to hold until successors elected.

SECTION 7. No corporation or association created under this act, shall cease or expire from neglect on the part of the corporation to elect officers, at the time mentioned in their charter or by-laws, and all officers elected by such corporation shall hold their offices until their successors are duly elected.

Authority to purchase at public or private sale.

SECTION 8. Any savings fund, loan or building association incorporated by or under this act, is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien or other incumbrance or ground rent, or in which said association may have an interest, and the real estate so purchased, to sell, convey, lease or mortgage at pleasure, to any person or persons whatsoever.

SECTION 9. All acts or parts of act contravening the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 332.

[Published April 5, 1876.]

AN ACT repealing chapter one hundred and fifty-nine, of the laws of 1874, and chapter two hundred and sixty-eight, of the laws of 1873, relating to taxes for special road purposes in Vernon county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter one hundred and fifty-nine, of the laws of 1874, entitled, "An act to amend chapter two hundred and sixty-eight, of the laws of 1873, entitled, 'an act to repeal chapter one hundred and fifty-

two, of the general laws of 1872, entitled, 'an act to authorize the county board of supervisors in the several counties of this state to levy a special tax for county road purposes,'" and chapter two hundred and sixty-eight, of the laws of 1873, entitled, "An act to repeal chapter one hundred and fifty-two, of the general laws of 1872, entitled, 'an act to authorize the county board of supervisors in the several counties of this state to levy a special tax for county road purposes,'" are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 333.

[Published April 5, 1876.]

AN ACT to amend an act, entitled, "An act to incorporate the Milwaukee and Beloit Railroad Company," approved March twenty-ninth, 1855, as amended by chapter three hundred and sixty-four, of the private and local laws of 1864, and again amended by chapter two hundred and ninety-four, of private and local laws of 1870, approved March fourteenth, 1870.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-four, of an act, entitled, "An act to incorporate the Milwaukee and Beloit Railroad Company," approved March twenty-ninth, 1855, as amended by chapter three hundred and sixty-four, of the private and local laws of 1861, and again amended by chapter two hundred any ninety-four, of the private and local laws of 1870, is hereby amended so as to read as follows: Section 24. The franchises, privileges and immunities hereby granted to said railroad company shall be null and void on the first day of April, 1879, unless by or before that time thirty miles of said railroad extending from the city of Milwaukee westward, shall have been constructed and in actual operation.

Amended.

When franchises to become null.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

# CHAPTER 334.

[Published April 1, 1876.]

AN ACT to amend chapter one hundred and fifty-two (152), of the general laws of 1869, entitled, "An act to codify the laws of this state relating to highways and bridges."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appeal from award of commissioners or jury.

SECTION 1. If the supervisors, or a majority of them, of any town, shall believe that the amount of damages allowed by the commissioners or jury, appointed by a justice of the peace of the same or an adjoining town, are excessive, they, or a majority of them, may, within thirty days after such determination, appeal therefrom to the county judge, or a court commissioner of the same county, for the appointment of commissioners to whom an appeal from such determination of the commissioners or jury, appointed by a justice of the same, or an adjoining town, may be taken. Such application for an appeal shall be made in writing to such county judge or court commissioner, and shall briefly state the grounds upon which it is made.

How application to be made

Notice to be served on persons who have applied to justice.

SECTION 2. The said supervisors, so appealing, shall serve, or cause to be served, on the person or persons who shall have applied to a justice of the peace as aforesaid, at least six days before the time of making such application, a notice in writing, specifying therein the name of the county judge or court commissioner to whom, and the time and place when and where such application will be made.

How judge or commissioner to proceed.

SECTION 3. Upon filing such application by the supervisors, and due proof of the service of the notice hereinbefore required, upon the party or parties, who shall have appealed from the decision of the said supervisors, the county judge or court commissioner shall proceed, and all the subsequent proceedings, shall, so far as may be applicable, [be] conducted as prescribed in sections sixty-three, sixty-four, and sixty-five, of said chapter one hundred and fifty-two; and if the amount of the appraisal of such jury, so selected before such county judge or court commissioner, shall exceed the amount awarded by the supervisors, the costs and expenses of both appeals shall be paid by the town, but if such jury shall not award

By whom costs and expenses to be paid.

more damages than were awarded by the supervisors, the costs and expenses of both appeals shall be paid by the party or parties first appealing.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 335.

[Published April 1, 1876.]

AN ACT to amend chapter forty-six (46), general laws of 1869, entitled, "An act to protect the lands and timber thereon, granted to the St. Croix and Lake Superior Railroad Company."

*The people of the State of Wisconsin represented in senate and assembly do enact as follows:*

SECTION 1. Section one (1), of chapter forty-six (46), of the general laws of 1869, entitled, "An act to protect the lands and timber thereon, granted to the St. Croix and Lake Superior Railroad Company," is hereby amended so as to read as follows: The governor of the State of Wisconsin is hereby authorized and empowered to appoint one or more competent persons as agents of the state, who shall hold office during the pleasure of the governor, whose duty it shall be to preserve and protect the timber growing or being upon any of the lands heretofore granted by Congress to the State of Wisconsin, to aid in the construction of railroads, by acts approved, respectively, June 3, 1856, and May 5, 1864, for the purpose of aiding in the construction of a railroad from the river or lake St. Croix, between townships twenty-five (25) and thirty-one (31), to the west end of Lake Superior, and to Bayfield, and upon any and all lands now reserved from market under the said grants, in aid of said road; *provided*, that said agent or agents shall hold or have his or their office or offices and general place or places of business within this state, and no such agent or agents shall hold or have an office or place of business outside of this state; *provided, further*, that each of said agents shall, before entering upon the duties of his office, give a bond to the State of Wisconsin, in such sum as the governor may determine, with not less than two sureties, who shall be

Amended.

Appointment of timber agents and duties of same.

Agents to give bonds.

resident freeholders of the state, conditioned that said agent shall faithfully discharge the duties of his office, that all persons employed by him shall faithfully perform their duties and trusts, that he will deliver over to his successor in office, or to any other person authorized by law to receive the same, all timber, logs, moneys, books, records, maps, papers, and other articles and effects, belonging to his office or to the state, in his charge or under his control, and to secure any and all sums of money which shall come into his possession by virtue of his said office, which bond shall be approved by the governor, and shall be deposited in the executive office.

Amended.

SECTION 2. Section two (2), of said act, is hereby amended by striking out all after the words, "is made," where they occur in the twenty-first line of said section, and adding thereto the following: "It is also made the duty of said agent or agents to preserve and protect all meadow-lands embraced in said grants, and prior to the fifteenth day of June, in each year, to sell at public or private sale the right to cut, use, or dispose of the grass growing or being on said meadow-lands."

Protection of meadow lands.

Amended.

SECTION 3. Section four (4), of said chapter forty six (46), is hereby amended so as to read as follows: The governor is hereby authorized and empowered to take such steps and make such arrangements to secure the collection of damages for trespasses heretofore committed upon said lands and for the conversion of logs and timber heretofore cut upon and taken from said lands, or any of them, by any person or persons, for which trespasses and logs and timber no compensation has ever been paid to the state, as will in his judgment best subserve the public interests. And also to cause to be instituted proceedings such as he may be advised are adequate for the purpose to secure the collection and payment into the state treasury of any sum or sums of money heretofore collected by any person or persons on account of trespasses upon any of said lands, or which may have been received from the sale of any logs or timber cut upon or taken from said lands, or any of them, and not reported and paid over to the state; *provided*, that nothing herein contained shall affect any right of the receiver heretofore appointed by the circuit court for western district of Wisconsin, to the lands, logs, timber or damages for trespasses committed or to be committed

Governor to secure collection of damages for trespass.

upon said lands, so long as said receiver shall be continued.

SECTION 4. Nothing in this act shall be construed to effect [affect] in any manner proceedings now pending and commenced previous to the passage of this act, or of the rights of parties in such proceedings; and actions commenced before the passage of this act shall be conducted and prosecuted in the same manner as they would have been conducted and prosecuted previous to the passage of this act.

Act not to affect pending proceedings.

SECTION 5. Section five (5), of said chapter forty-six (46), is hereby amended so as to read as follows: Section 5. Each of said agents, appointed by virtue of this act, shall make a full and complete verified report to the governor, on the last days of June and December in each year, of all actions commenced and moneys collected, specifying the amounts collected for trespass on each forty (40) acre tract; also of all moneys paid out or expended in carrying out the provisions of this chapter, and shall receive such compensation as shall be fixed by the governor, and his necessary expenses; *provided*, that the costs and expenses aforesaid incurred after the passage of this act shall not be paid until vouchers and bills for the same shall have been approved by the governor. And it shall be the duty of the secretary of state on the presentation of such bills so approved, to file the same in his office, and draw his warrants on the state treasurer for the amounts thereof. And all expenses hereafter incurred by any state officer under direction from the governor in relation to the protection of said lands or securing such protection, shall first be approved by the governor and shall be paid by the state treasurer, and a sum sufficient to pay the same, to be audited as aforesaid, is hereby annually appropriated out of any money in the state treasury received from collections made by said agent or agents in pursuance of this act.

Amended.

Agents to make semi-annual report to governor.

Payment of costs and expenses.

SECTION 6. All acts or parts of acts conflicting with this act, are hereby repealed, so far as they effect [affect] this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 336.

[Published April 5, 1876.]

AN ACT to amend chapter four hundred and fourty-four, of the general laws of 1864, and section one, of chapter two hundred and thirty-two, of the general laws of 1875.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter four hundred and forty-four, of the general laws of 1864, is hereby amended so as to read as follows: Section 1. Whenever in the opinion of the inspectors of election of any town, more than one election poll will be necessary for the convenience of electors at any general or special election, they are hereby authorized to divide said town into two or more election districts, by their order in writing, which shall be immediately filed with the town clerk, specifying the metes and bounds of said new district or districts, and designating the place or places where another or other polls shall be held, and the persons who shall act as inspectors of election at said poll or polls; said division shall be made at least fifteen days prior to the succeeding election, and notice thereof given by posting up notices in five of the most public places in such town, immediately after such division. Said inspectors shall cause a copy of the order creating said new election district or districts, to be filed with the county clerk of the county in which such district is situated, within five days after it is made.

Inspectors may divide town into two or more election districts.

Amended.

SECTION 2. Section one, of chapter two hundred and thirty-two, of the laws of Wisconsin of 1875, is hereby amended by adding at the end thereof the following: "And towns in which is located an incorporated village or city," so that said section when amended, shall read as follows: Section 1. The provisions of chapter four hundred and forty-five, of the laws of 1864, entitled, "An act to guard against the abuse of the elective franchise and to preserve the purity of elections, by registration of electors," and all acts amendatory thereof, and supplementary thereto, shall hereafter be applicable only to incorporated villages and cities, and towns in which is located an incorporated village or city."

Chap. 445, laws of 1864, applicable only to incorporated villages and cities and towns containing same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 337.

[Published April 5, 1876.]

AN ACT to amend section seventy-six, of chapter one hundred and forty-two, of the revised statues of the State of Wisconsin, entitled, "Of the partition of land owned by several persons."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventy-six, of chapter one hundred and forty-two, of the revised statutes of the State of Wisconsin, entitled, "Of the partition of lands owned by several persons," is hereby amended so as to read as follows: Whenever it shall appear to the court, on the application of the guardian of any idiot, lunatic, spendthrift, or person mentally incapable of managing his affairs, (or upon the application of the non-resident or foreign guardian of any such person not living in this state and having no guardian within this state) holding any estate in joint tenancy or in common, or in any other manner to authorize his being made a party to action in partition, that the interest of such idiot, lunatic or other person aforesaid, or of any of the parties interested in such estate requires a partition thereof, it shall be referred to some proper person to require into and report upon the circumstances; *provided*, that such non-resident or foreign guardian shall be required in all cases to file with such application a duly authenticated copy of his appointment and bond as such guardian.

Amended.

Court may appoint person to report upon question of partition of estate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

# CHAPTER 338.

[Published March 15, 1876.]

AN ACT to amend section thirty eight and section fifty seven of chapter two hundred and forty three, laws of 1874, entitled "An act relating to public printing."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section thirty-eight of chapter two hundred and forty-three, of the laws of 1874, is hereby amended by striking out the words, "two thousand copies" where they occur in the third line thereof and inserting the words, "three thousand copies," so that said section shall read as follows: Section 38. There shall be printed annually, by the state printer on the order of the commissioners of public printing, three thousand copies of the transactions of the Wisconsin State Horticultural Society, together with abstracts of reports of county and other horticultural societies, and such other matter pertaining to fruit growing and other horticultural interests of the state as shall be deemed most important; *provided*, that the number of pages of said volume of transactions shall not exceed two hundred. Said transactions shall be printed on good book paper and bound in muslin cover, uniform in style, with the previous volumes published.

Printing of report of State Horticultural Society.

Amended.

SECTION 2. Section fifty-seven of said chapter two hundred and forty-three, of the laws of 1874, is hereby amended by striking out the words, "three copies," where they occur in the third and fourth lines thereof, and inserting the words, "five copies," so that said section shall read as follows: Section 57. The transactions of the State Horticultural Society shall be distributed by the state superintendent of public property, as follows, viz: Five copies to each member of the legislature, fifty copies to each town or county horticultural society, that shall report its organization with officers elect, and number of members, with an abstract of its proceedings for publication in said volume, to the secretary of the State Horticultural Society; fifteen copies to each county agricultural society reporting to the secretary of state; fifty copies to the State Agricultural Society; fifty copies to the State University; twenty-five copies to the State His-

How report of transactions of State Horticultural Society to be distributed.

torical Society, and all the remaining copies to the State Horticultural Society.

SECTION 3. ection thirty-two of said chapter two hundred and forty-three, is hereby amended by inserting after the word, "reports," where it occurs in the eighth line of said section, the words "excepting that of the secretary of state, of which there shall be printed three thousand copies, and excepting that of the superintendent of public instruction, of which there shall be printed eight thousand copies."

Amended.

Number of reports to be printed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 339.

[Published April 1, 1876.]

AN ACT to repeal chapter three hundred and forty-eight (348), of the laws of Wisconsin of 1874, entitled, "An act to amend chapter forty-six (46), of the general laws of 1869, entitled, 'an act to protect the lands and timber granted to the St. Croix and Lake Superior Railroad Company.'"

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter three hundred and forty-eight (348), of the laws of Wisconsin of 1874, entitled, "An act to amend chapter forty-six (46), of the general laws of 1869, entitled, 'an act to protect the lands and timber granted to the St. Croix and Lake Superior Railroad Company,'" is hereby repealed. And section three (3), of chapter forty-six (46), of the general laws of 1869, entitled, "An act to protect the lands and timber thereon, granted to the St. Croix and Lake Superior Railroad Company," is hereby revived, re-enacted and declared to be in full force, virtue and effect as it was before the passage of said chapter three hundred and forty-eight (348), of the laws of Wisconsin, of 1874.

Repealed.

Re-enacted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 340.

[Published April 6, 1876.]

AN ACT to provide for the safe keeping of public moneys, and the investment of surplus funds.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Officers to hold and keep moneys.

SECTION 1. Every public officer who by virtue of any public office in this state, becomes the custodian or possessor of any moneys belonging to such office *ex-officio* or otherwise, shall faithfully hold and keep the same until drawn, transferred, or invested in accordance with law; and the use or loaning of such moneys by any public officer without the authority of law, shall be deemed embezzlement, and upon conviction thereof he shall be punished by imprisonment in the state prison for a term of not less than one year, nor more than ten years, in the discretion of the court.

Loaning of moneys to be deemed embezzlement.

What deemed embezzlement.

SECTION 2. The use or conversion of any public moneys other than by lawful authority, and the use or deposit of such moneys for private purposes or gain, shall be deemed as loaning or embezzeling the same, and upon conviction thereof, the party so offending shall be punished as provided in section one of this act.

State authorities may invest public moneys.

SECTION 3. Whenever in the opinion of the lawfully constituted authorities, it may be deemed advantageous to the state to invest public moneys in interest bearing bonds of the United States, or this state, it may be lawful for the same authorities which otherwise might control and direct the expenditure of the same to direct such investments to be made; *provided*, that such direction shall be made and kept of record, and that the account of loss or gain shall be kept with the particular fund from which the investment is made, and the loss or gain thereby shall inure to the same fund.

Commissioners of school and university lands may invest moneys.

SECTION 4. The commissioners of school and university lands by and with the approval of the governor, may from time to time direct such investments from any fund held by or belonging to the state, not otherwise provided for, and may specify the kind and amount of such bonds to be taken; and, also, may direct the subsequent disposal of such bonds, the pro-

ceeds of which shall be covered into the fund from which taken.

SECTION 5. It shall be the duty of the governor and attorney-general, at least once in each quarter year, and at such other times as the governor may elect, to examine and see that the sum of all moneys, appearing by the books of the secretary of state and state treasurer as belonging to the several funds, is in the vaults of the treasury; and in case of a deficiency, to require the treasurer to make the same at once good. Should the treasurer refuse or neglect for the period of ten days thereafter to have the full sum due in the treasury, it shall be the duty of the attorney-general to institute proceeding at law to recover the same. Duty of governor and attorney-general to see that money is in treasury.

SECTION 6. Sections one and two, of this act, shall apply to all public officers within this state, and for any violation of the provisions thereof suit may be instituted by any tax-payer, as in other criminal proceedings. Application of sections one and two.

SECTION 7. Nothing contained in this act shall be construed as prohibiting the investment of funds by any county, town, city or village authorities in the outstanding indebtedness of their own respective organizations. Construction of act.

SECTION 8. All acts or parts of acts conflicting with or contravening the provisions of this act, are hereby repealed. Repealed.

SECTION 9. This act shall take effect and be in force from and after the first Monday in January, 1878. When act to take effect.

Approved March 13, 1876.

---

## CHAPTER 341.

[Published April 7, 1876.]

AN ACT to establish the salaries of the state officers.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The attorney general shall receive a salary of three thousand dollars per annum, which shall be in full for all services rendered by him in his official capacity, including his services as commissioner of school and university lands; which shall be paid out Salary of attorney-general.

of the treasury of the state in monthly payments, and all fees and perquisites received by him shall be paid into the state treasury and become a part of the general fund.

Salary of secretary of state.

SECTION 2. The secretary of state shall receive a salary of five thousand dollars per annum, which shall be in full for all services rendered by him in his official capacity, including his services as commissioner of school and university lands, and all fees received by him as commissioner of insurance, which shall be paid out of the treasury of the state in monthly payments, and all fees and perquisites received by him shall be paid into the state treasury, and become a part of the general fund.

Salary of state treasurer.

SECTION 3. The state treasurer shall receive a salary of five thousand dollars per annum, which shall be in full for all services rendered by him in his official capacity, including his services as commissioner of school and university lands, which shall be paid out of the treasury of the state in monthly payments. All fees and perquisites received by him from every source shall be paid into the state treasury and become a part of the general fund.

Officers to make detailed statements of fees and perquisites.

SECTION 4. It is hereby made the duty of the several officers named in this act, on or before the first day of August in each year, to make out and furnish to the secretary of state a detailed statement of the fees and perquisites, if any, received by each in his official capacity during the preceding year, and what disposition has been made of the same; and it is hereby made the duty of the secretary of state to include such detailed statement annually in his report to the governor of this state.

Appropriation.

SECTION 5. There is hereby annually appropriated from the general fund a sum of money sufficient to carry into effect the provisions of this act.

Repealed.

SECTION 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

When act to take effect.

SECTION 7. This act shall take effect and be in force from and after the first Monday in January, A. D. 1878.

Approved March 13, 1876.

# CHAPTER 342.

[Published March 28, 1876.]

AN ACT to provide for the rebuilding of a portion of the Institution for the Education of the Blind, and to appropriate the sum of money therein named for that purpose.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Plans for building to be adopted.

SECTION 1. The State Board of Charities and Reform are hereby required to devise and adopt such plans for a building to occupy the site of the main building for the education of the blind, at Janesville, Wisconsin, destroyed by fire, as in their judgment will best subserve the public interest, and for that purpose they are hereby authorized to employ one or more competent architects to assist them in preparing such plans.

Trustees of institution to erect building.

SECTION 2. The trustees of the Wisconsin Institution for the Education of the Blind are hereby authorized and empowered to erect, in accordance with the plans furnished them by the State Board of Charities and Reform, a building corresponding to the main building destroyed by fire, and for that purpose said trustees are hereby authorized to make and enter into such contracts and agreements as they may find necessary; *provided, however*, that such contracts and agreements shall not involve the expenditure of a greater sum of money than is appropriated by this act.

Advertisement for proposals to be made.

SECTION 3. The said trustees shall, before making any contracts or agreements for the erection of such building, advertise for proposals for the erection thereof, in at least three daily papers published in this state, one in the city of Janesville, one in the city of Madison, and one in the city of Milwaukee, for at least four weeks prior to the time of letting such contract. Such advertisement shall state the time and place for receiving such proposals, and the amount and kind of bond required for the faithful performance of the contracts and agreements within the time limited therefor. Said trustees shall contract with the lowest responsible bidder, who shall be required to give good and sufficient bond or bonds for the faithful performance of such contracts or agreements, but the trustees shall have the right to reject all proposals

How contract to be let.

received by them, if, in their opinion, the interests of the state require it.

Appropriation.

SECTION 4. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of ninety thousand dollars, or so much thereof as may be necessary for the purpose of this act; *provided*, that not to exceed the sum of sixty thousand dollars shall be drawn from the state treasury, or levied or collected as a part of the state tax during the year 1876; *and provided further*, that the money hereby appropriated shall be drawn from the state treasury only as the work progresses.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 343.

[Published April 17, 1876.]

AN ACT to apportion the state into senate and assembly districts.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Apportionment of state into senate districts.

SECTION 1. Until there shall be a new apportionment, the senators shall be opportioned among the several districts of this state as hereinafter mentioned, and each district shall be entitled to elect one senator.

The counties of Door, Kewaunee, Oconto, and Shawano, shall constitute the first senate district.

The county of Brown, shall constitute the second senate district.

The county of Racine shall constitute the third senate district.

The counties of Crawford and Vernon shall constitute the fourth senate district.

The first, sixth, ninth, tenth and thirteenth wards in the city of Milwaukee, and the towns of Granville, Milwaukee, and Wauwatosa, in the county of Milwaukee, shall constitute the fifth senate district.

The fifth, eight, eleventh and twelfth wards, in the city of Milwaukee, and the towns of Franklin, Greenfield, Lake and Oak Creek, in the county of Milwaukee, shall constitute the sixth senate district.

The second, third, fourth and seventh wards of the city of Milwaukee, shall constitute the seventh senate district.

The counties of Kenosha and Walworth shall constitute the eighth senate district.

The counties of Green Lake, Marquette and Waushara shall constitute the ninth senate district.

The county of Waukesha shall constitute the tenth senate district.

The counties of Chippewa, Clark, Lincoln, Taylor and Wood shall constitute the eleventh senate district.

The counties of Green and La Fayette shall constitute the twelfth senate district.

The towns of Ashippun, Beaver Dam, the city of Beaver Dam, and the towns of Burnett, Calamus, Chester, Clyman, Elba, Emmett, Fox Lake, Herman, Hubbard, Hustisford, Lebanon, Leroy, Lomira, Lowell, Oak Grove, Portland, the east ward of the village of Randolph, the towns of Rubicon, Shields, Theresa, Trenton, the south ward of the village of Waupun, and the towns of Westford and Williamston, in the county of Dodge, shall constitute the thirteenth senate district.

The counties of Juneau and Sauk shall constitute the fourteenth senate district.

The county of Manitowoc shall constitute the fifteenth senate district.

The county of Grant shall constitute the sixteenth senate district.

The county of Rock shall constitute the seventeenth senate district.

The towns of Alto, Byron, Eldorado, Empire, Fond du Lac, Friendship, Lamartine, Metomen, Oakfield, Ripon, Rosendale, Springvale, Waupun, the north ward of the village of Waupun, and the cities of Fond du Lac and Ripon, in the county of Fond du Lac, shall constitute the eighteenth senate district.

The county of Winnebago shall constitute the nineteenth senate district.

The county of Sheboygan, and the towns of Ashford, Auburn, Calumet, Eden, Forest, Marshfield, Osceola and Taycheda, in the county of Fond du Lac, shall constitute the twentieth senate district.

The counties of Marathon, Portage and Waupaca shall constittute the twenty-first senate district.

The counties of Calumet and Outagamie shall constitute the twenty-second senate district.

The county of Jefferson and the fifth and sixth wards of the city of Watertown, in the county of Dodge, shall constitute the twenty-third senate district.

The counties of Ashland, Bayfield, Barron, Burnett, Douglass, Polk and St. Croix, shall constitute the twenty-fourth senate district.

The city of Madison and the towns of Albion, Blooming Grove, Bristol, Burke, Cottage Grove, Christiana, Deerfield, Dunn, Dunkrik, Madison, Medina, Oregon, Pleasant Springs, Rutland, Sun Prairie, Vienna, Windsor and York, and the villages of Stoughton and Sun Prairie, in the county of Dane, shall constitute the twenty-fifth senate district.

The towns of Berry, Black Earth, Blue Mounds, Cross Plains, Dane, Fitchburg, Mazomanie, Middleton, Montrose, Perry, Primrose, Roxbury, Springdale, Springfield, Verona, Vermont and Westport, in the county of Dane, shall constitute the twenty-sixth senate district.

The counties of Adams and Columbia shall constitute the twenty-seventh senate district.

The counties of Iowa and Richland shall constitute the twenty-eighth senate district.

The counties of Buffalo, Pepin and Trempealeau shall constitute the twenty-ninth senate district.

The counties of Dunn, Eau Claire and Pierce shall constitute the thirtieth senate district.

The county of La Crosse shall constitute the thirty-first senate district.

The counties of Jackson and Monroe shall constitute the thirty-second senate district.

The counties of Ozaukee and Washington shall constitute the thirty-third senate district.

**Apportionment of state into assembly districts.**

SECTION 2. Until there shall be a new apportionment, the members of assembly shall be apportioned among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of assembly.

The county of Green Lake shall constitute an assembly district.

The county of Calumet shall constitute an assembly district.

The county of Waushara shall constitute an assembly district.

The county of Marquette shall constitute an assembly district.

The county of Kenosha shall constitute an assembly district.

The county of Crawford shall constitute an assembly district.

The county of Chippewa shall constitute an assembly district.

The counties of Clark, Lincoln, Taylor and Wood shall constitute an assembly district.

The county of Door shall constitute an assembly district.

The county of Dunn shall constitute an assembly district.

The county of Eau Claire shall constitute an assembly district.

The county of Jackson shall constitute an assembly district.

The towns of Marian, Kildare, Lemonweir, Lindina, Wonewoc, Summit, Seven-Mile Creek, Linden and the village of Mauston, in the county of Juneau, shall constitute the first assembly district in said county.

The towns of Plymouth, Fountain, Lisbon, Orange, Clearfield, Germantown, Necedah, Armenia and the village of New Lisbon, in the county of Juneau, shall constitute the second assembly district in said county.

The county of Ozaukee shall constitute an assembly district.

The towns of Alma, Belvidere, Buffalo, Buffalo City, Cross, Dover, Gilmanton, Glencoe, Lincoln, Milton, Modena, Montana, Nelson and Waumandee, and the villages of Alma and Fountain City, in the county of Buffalo, shall constitute an assembly district.

The towns of Allouez, Green Bay, Humboldt, Preble and Scott, and the city of Green Bay, in the county of Brown, shall constitute the first assembly district in said county.

The towns of Ashwabanon, Howard, Lawrence, Pitsfield, Suamico, and the village of West Depere, the city of Fort Howard, and the west precinct of the town of Wrightstown, in the county of Brown, shall constitute the second assembly district in said county.

The towns of Bellevue, Depere, Eaton, Glenmore, Holland, Morrison, New Denmark, Rockland, village of East Depere, and the east precinct of the town of Wrightstown, in the county of Brown, shall constitute the third assembly district, in said county.

The county of Pepin, and the towns of Canton, Maxville and Naples, in the county of Buffalo, shall constitute an assembly district.

The county of Trempealeau shall constitute an assembly district.

The county of Portage shall constitute an assembly district.

The county of Marathon shall constitute an assembly district.

The county of Pierce shall constitute an assembly district.

The county of St. Croix shall constitute an assembly district.

The county of Kewaunee shall constitute an assembly district.

The county of Shawano and the county of Oconto shall constitute an assembly district.

The towns of Arlington, Caledonia, Dekora, Fort Winnebago, Lewiston, Lodi, Marcellon, Newport Pacific, and West Point, and the city of Portage, in the county of Columbia, shall constitute the first assembly district in said county.

The towns of Columbus, Courtland, Fountain Prairie, Hampden, Leeds, Lowville, Otsego, Randolph, Scott, Springvale, Wyocena, and the west ward of the village of Randolph, and the city of Columbus, in the county of Columbia, shall constitute the second assembly district in said county.

The towns of Berry, Black Earth, Blue Mounds, Cross Plains, Dane, Fitchburg, Mazomanie, Middleton, Montrose, Perry, Primrose, Roxbury, Springdale, Springfield, Verona, Vermont and Westport, in the county of Dane, shall constitute the first assembly district in said county.

The towns of Albion, Blooming Grove, Dunn, Dunkirk, Madison, Oregon, Rutland, and the city of Madison, and the village of Stoughton, in the county of Dane, shall constitute the second assembly district in said county.

The towns of Bristol, Burke, Christiana, Cottage Grove, Deerfield, Medina, Pleasant Springs, Sun Prairie, Vienna, Windsor, York, and the village of Sun Prairie, in the county of Dane, shall constitue the third assembly district in said county.

The towns of Ashippun, Clyman, Emmett, Hubbard, Hustisford, Lebanon and Lowell, in the county of Dodge, shall constitute the first assembly district in said county.

The towns of Herman, Lomira, Leroy, Rubicon, Theresa and Williamstown, in the county of Dodge, shall constitute the second assembly district in said county.

The towns of Burnett, Chester, Fox Lake, Oak Grove and Trenton, and the east ward of the village of Randolph, and the south ward of the village of Waupun, in the county of Dodge, shall constitute the third assembly district in said county.

The towns of Beaver Dam, Calamus, Elba, Portland, Shields and Westford, and the city of Beaver Dam, in the county of Dodge, shall constitute the fourth assembly district in said county.

The towns of Alto, Eldorado, Metomen, Springvale, Ripon and Rosendale, and the city of Ripon, in the county of Fond du Lac, shall constitute the first assembly district in said county.

The towns of Byron, Empire, Fond du Lac, Friendship, Lamartine, Oakfield and Waupun, and the north ward of the village of Waupun, in the county of Fond du Lac, shall constitute the second assembly district in said county.

The city of Fond du Lac, in the county of Fond du Lac, shall constitute the third assembly district in said county.

The towns of Ashford, Auburn, Calumet, Eden, Forest, Marshfield, Osceola and Taycheedah, in the county of Fond du Lac, shall constitute the fourth assembly district in said county.

The towns of Clifton, Ellenboro, Harrison, Hazel Green, Jamestown, Lima, Paris, Platteville and Smelser, in the county of Grant, shall constitute the first assembly district in said county.

The towns of Beetown, Bloomington, Cassville, Glen Haven, Lancaster, Liberty, Little Grant, Potosi and Waterloo, in the county of Grant, shall constitute the second assembly district in said county.

The towns of Blue River, Boscobel, Fennimore, Hickory Grove, Marion, Millville, Mount Hope, Muscoda, Patch Grove, Waterstown, Wingville, Woodman and Wyalusing, in the county of Grant, shall constitute the third assembly district in said county.

The towns of Adams, Albany, Brooklyn, Exter, Mount Pleasant, New Glarus, Washington and York, in the county of Green, shall constitute the first assembly district in said county.

The towns of Cadiz, Clarno, Decatur, Jordan, Jefferson, Monroe, Sylvester and Spring Grove, in the

county of Green, shall constitute the second assembly district in said county.

The towns of Arena, Clyde, Dodgeville, Highland, Pulaski, Ridgeway and Wyoming, in the county of Iowa, shall constitute the first assembly district in said county.

The towns of Linden, Mifflin, Mineral Point, Moscow and Waldwick, in the county of Iowa, shall constitute the second assembly district in said county.

The city of Waterton, including the fifth and sixth wards thereof, in Dodge county, and the towns of Concord, Ixonia and Watertown, in the county of Jefferson, shall constitute the first assembly district in said county.

The towns of Aztalan, Farmington, Lake Mills, Milford, Oakland, Waterloo, and the village of Waterloo, in the county of Jefferson, shall constitute the second assembly district in said county.

The towns of Cold Spring, Hebron, Jefferson, Koshkonong, Palmyra, Sullivan and Sumner, in the county of Jefferson, shall constitute the third assembly district in said county.

The county of La Crosse shall constitute an assembly district.

The counties of Ashland, Barron, Bayfield, Burnett, Douglas and Polk shall constitute an assembly district.

The towns of Argyle, Blanchard, Darlington, Fayette, Gratiot, Wayne, Willow Springs and Wiota, in the county of La Fayette, shall constitute the first assembly district in said county.

The towns of Belmont, Benton, Elk Grove, Kendall, Monticello, New Diggings, Seymour, Shullsburg and White Oak Springs, in the county of La Fayette, shall constitute the second assembly district in said county.

The towns of Schleswig, Meeme, Eaton, Liberty, Rockland, Cato, Maple Grove and Franklin, in the county of Manitowoc, shall constitute the first assembly district.

The towns of Two Creeks, Mishicott, Gibson, Cooperstown, Kossuth, Two Rivers and the village of Two Rivers, in the county of Manitowoc, shall constitute the second assembly district.

The towns of Centerville, Newton, Manitowoc Rapids, Manitowoc. and the city of Manitowoc, in the county of Manitowoc, shall constitute the third assembly district.

The first ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the first assembly district in said county.

The second ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the second assembly district in said county.

The third ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the third assembly district in said county.

The fourth ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the fourth assembly district in said county.

The fifth and twelfth wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the fifth assembly district in said county.

The sixth and thirteenth wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the sixth assembly district in said county.

The seventh ward of the city of Milwaukee, in the county of Milwankee, shall constitute the seventh assembly district in said county.

The eighth and eleventh wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the eighth assembly district in said county.

The ninth and tenth wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the ninth assembly district in said county.

The towns of Granville, Milwaukee and Wauwatosa, in the county of Milwaukee, shall constitute the tenth assembly district in said county.

The towns of Franklin, Greenfield, Lake and Oak Creek, in the county of Milwaukee, shall constitute the eleventh assembly district in said county.

The towns of Angelo, Jefferson, La Fayette, Leon, Little Falls, New Lynne, Portland, Ridgeville, Sparta and Wells, in the county of Monroe, shall constitute the first assembly district in said county.

The towns of Adrian, Byron, Clifton, Glendale, Greenfield, La Grange, Lincoln, Sheldon, Tomah, Wellington, Oakdale and Wilton, in the county of Monroe, shall constitute the second assembly district in said county.

The towns of Buchanan, Center, Freedom, Grand Chute, Kaukauna, and the city of Appleton, in the county of Outagamie, shall constitute the first assembly district in said county.

The towns of Bovina, Black Creek, Cicero, Dale, Deer Creek, Ellington, Greenville, Hortonia, Liberty,

Maine, Maple Creek, Osborn and Seymour, and the third ward of the village of New London, in the county of Outagamie, shall constitute the second assembly district in said county.

The city of Racine, in the county of Racine, shall constitute the first assembly district in said county.

The towns of Burlington, Caledonia, Dover, Mount Pleasant, Norway, Rochester, Raymond, Waterford and Yorkville, in the county of Racine, shall constitute the second assembly district in said county.

The towns of Buena Vista, Henrietta, Ithaca, Orion, Richland, Rockbridge, Westford and Willow, in the county of Richland, shall constitute the first assembly district in said county.

The towns of Akan, Bloom, Dayton, Eagle, Forest, Marshall, Richwood, and Sylvan, in the county of Richland, shall constitute the second assembly district in said county.

The towns of Avon, Beloit, Center, Newark, Magnolia, Plymouth, Spring Valley and Union, and the city of Beloit, in the county of Rock, shall constitute the first assembly district in said county.

The towns of Janesville and Rock, and the city of Janesville, in the county of Rock, shall constitute the second assembly district in said county.

The towns of Bradford, Clinton, Fulton, Harmony, Johnston, La Prairie. Lima, Milton, Porter and Turtle, in the county of Rock, shall constitute the third assembly district in said county.

The towns of Bear Creek, Franklin, Honey Creek, Ironton, Merrimack, Prairie du Sac, Spring Green, Sumpter, Troy, Washington and Westfield, in the county of Sauk, shall constitute the first assembly district in said county.

The towns of Baraboo, Dellona, Delton, Excelsior, Fairfield, Freedom, Greenfield, La Valle, Reedsburg, Winfield and Woodland, in the county of Sauk, shall constitute the second assembly district in said county.

The towns of Herman, Mosel, Rhine, Russell and Sheboygan, and the city of Sheboygan, in the county of Sheboygan, shall constitute the first assembly district in said county.

The towns of Greenbush, Lyndon, Mitchell, Plymouth and Sheboygan Falls, and the village of Sheboygan Falls, in the county of Sheboygan, shall constitute the second assembly district in said county.

The towns of Holland, Lima, Scott, Sherman, and

Wilson, in the county of Sheboygan, shall constitute the third assembly district in said county.

The towns of Bloomfield, Elkhorn, Geneva, Linn, Lyons, Lafayette and Spring Prairie, in the county of Walworth, shall constitute the first assembly district in said county.

The towns of Darien, Delavan, Richmond, Sharon and Walworth, shall constitute the second assembly district in said county.

The towns of East Troy, La Grange, Sugar Creek, Troy and Whitewater, in the county of Walworth, shall constitute the third assembly district in said county.

The towns of Erin, Germantown, Hartford, Jackson, Polk, and Richfield, in the county of Washington, shall constitute the first assembly district in said county.

The towns of Addison, Barton, Farmington, Kewaskum, Trenton, Wayne and West Bend, in the county of Washington, shall constitute the second assembly district in said county.

The towns of Eagle, Genesee, Mukwanago, Muskego, New Berlin, Ottawa, Summit, Waukesha and Vernon, in the county of Waukesha, shall constitute the first assembly district in said county.

The towns of Brookfield, Delafield, Lisbon, Menomonee, Merton, Oconomowc and Pewaukee, and the city of Oconomowoc, in the county of Waukesha, shall constitute the second assembly district in said county.

The towns of Caledonia, Dayton, Farmington, Fremont, Lind, Royalton, Waupaca and Weyauwega, and the city of Waupaca, and the village of Weyauwega, in the county of Waupaca, shall constitute the first assembly district in said county.

The towns of Bear Creek, Dupont, Helvetia, Iola, Larrabee, Lebanon, Little Wolf, Matteson, Mukwa, Scandinavia, St. Lawrence, and Union, and the first and second wards of the village of New London, in the county of Waupaca, shall constitute the second assembly district in said county.

The towns of Oshkosh and Vinland, and the first, second, fourth and fifth wards of the city of Oshkosh, in the county of Winnebago, shall constitute the first assembly district in said county.

The towns of Clayton, Neenah, Menasha, Winneconne, and the cities of Neenah and Menasha, and the village of Winneconne, in the county of Winne-

bago, shall constitute the second assembly district in said county.

The towns of Algoma, Black Wolf, Omro, and the third and sixth wards of the city of Oshkosh, in the county of Winnebago, shall constitute the third assembly district in said county.

The towns of Nepeuskun, Nekimi, Poygan, Rushford, Utica and Wolf River, in the county of Winnebago, shall constitute the fourth assembly district in said county.

The county of Adams shall constitute an assembly district.

The towns of Bergen, Coon, Christiana, Franklin, Geneva, Hamburg, Harmony, Jefferson, Sterling and Wheatland, in the county of Vernon, shall constitute the first assembly district in said county.

The towns of Clinton, Forest, Greenwood, Hillsborough, Kickapoo, Liberty, Stark, Union, Viroqua, Webster and Whitestown, in the county of Vernon, shall constitute the second assembly district in said county.

Construction as to villages and other municipal corporations.

SECTION 3. So much of any incorporated village or other municipal corporation as lies within the original boundaries of any town mentioned in this act, shall be construed to be within such town, for the purposes of this act, unless designated by this act.

Construction as to precincts.

SECTION 4. Whenever precincts are mentioned in this act, the boundaries thereof shall be construed to be as now defined and established, by the town boards of the towns where such precincts exist, and the said town boards shall not have the power to change said boundaries during the continuance of this act.

Election of senators.

SECTION 5. At the general election in November, 1876, there shall be elected in the odd numbered senate districts above described, a senator from each district, whose term of office shall expire in two years after the commencement of such term.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

# CHAPTER 344.

[Published April 1, 1876.]

AN ACT to codify and consolidate all laws in relation to town insurance companies.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Organization of town fire insurance companies.

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in the same town or adjoining towns in this state, who collectively shall own property of not less than twenty-five thousand dollars in value, which they desire to have insured, to form themselves into a company for mutual insurance against loss or damage by fire or lightning, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name thereof shall embrace the name of the town in which the business office of said company is located.

Directors of company.

SECTION 2. Every company so formed shall choose of their number not less than five nor more than nine directors to manage the affairs of said company, who shall hold their office for one year, and until others are elected; and such directors shall choose one of their number president and one as secretary.

Articles of association to be filed in town clerk's office.

SECTION 3. The directors of such company shall file their articles of association, together with a copy of their by-laws and the names of the officers of such company in the clerk's office of the town in which the office of such company is located, and shall keep a record of their proceedings in a book to be kept for that purpose, together with the names of all persons insured and the amount each person is insured, which record shall be kept open for the inspection of all the members of such companies from the hour of nine o'clock a. m. to four o'clock p. m., of each secular day, the established holidays excepted.

Issue of policies.

SECTION 4. The directors of such company may issue such policies, signed by the president and secretary, agreeing in the name of the company to pay all loss or damages which may be sustained by fire or lightening, for a term not exceeding five years, by the holders of such policies, and not exceeding the sum named in such policy.

Persons insured to give undertaking.

SECTION 5. Every person so insured shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his pro-rata share to the company of all losses or damages by fire or lightning which may be sustained by any member thereof, and every such undertaking shall, within ten days after the acceptance by the said company of said undertaking, be filed in the office of the secretary of such company, and shall remain on file in such office, except when required to be produced in court as evidence. He shall also, at the time of effecting such insurance, pay such percentage in cash, and such reasonable sums for a policy as may be required by the rules or by-laws of the company.

Payment of losses.

SECTION 6. Every member of such company who may sustain loss or damage by fire or lightning, shall immediately notify the president of such company, or in his absence the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such company, to ascertain the amount of such loss or damage, and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appeal to the judge of the county court of such county, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute, who shall make their award in writing to the president, or in his absence to the secretary of such company, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day, for each day's service so rendered, and the sum of five cents per mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

Classification of property.

SECTION 7. The company formed under the provisions of this act may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk from fire, and loss which may attach to each several buildings or personal property insured.

Whenever the amount of any loss shall be ascertained which exceeds the amount of the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all property insured to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may have been classified.

Duty of secretary.

SECTION 8. It shall be the the duty of the secretary, whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to his usual post-office address, of the amount of such loss and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made, but the time shall not be less than sixty nor more than ninety days from the date of such notice, and every person designated to receive such money may demand and receive two per cent. in addition to the amount due on each assessment as aforesaid, for his fees in receiving and paying over the same.

Collection of assessments.

SECTION 9. Suits at law may be brought against any member of such company who shall refuse or neglect to pay any assessment made upon him by the provisions of this act, and the directors of any company so formed, who shall willfully neglect or refuse to perform the duties imposed upon them by the foregoing sections of this act, shall be liable in their individual capacity to the person sustaining such loss.

City and village property not to be insured.

SECTION 10. No company formed under the provisions of this act shall insure any property in any city or incorporated village in this state, nor shall such company insure any property out of the town or towns in which said company is located; *provided, however*, that any existing company shall be considered, without reorganization or other act, as comprising such town or towns as such company may have effected insurance in; *and provided further*, that adjoining towns may be attached to and become a part of the territory of any town insurance company by the act of the members of such company, at the annual meeting thereof, but such act shall require an affirmative vote of a majority of all the shares or stock composing such company.

Classes of property that may be insured.

SECTION 11. No company formed under this act shall insure any property other than detached dwellings and their contents, farm-buildings and their contents, live-stock on the premises or running at

large, farm products in the stack or bin, and farming implements; *provided, however*, that any such company, at its annual meeting may, by a majority vote of members thereof, authorize its directors to insure country stores and their contents, school-houses, churches, town and society halls, but such risk shall not exceed fifteen hundred dollars in any one case.

Election of directors.

SECTION 12. The directors of such company shall be chosen by ballot, at the annual meeting thereof, which shall be held on the first Tuesday of January in each year unless otherwise ordered by a majority of the voters of such company, and every person shall have one vote for each two hundred dollars, for which he or she may be insured, at said election or in the transaction of any business, but no person shall be allowed to vote by proxy, excepting women; *provided*, that if the day hereinbefore fixed for such annual meeting shall fall upon the first day of January, or upon any legal holiday, then the said meeting shall be held upon the next succeeding day, upon which business may be, under the laws of this state, lawfully transacted.

Duty of secretary to prepare annual report.

SECTION 13. It shall be the duty of the secretary of every such company to prepare a statement, showing the condition of such company on the day preceding their annual meeting, which statement shall contain the amount insured by each policy, the number of policies issued, and to whom, and the aggregate amount insured, and all other matters pertaining to the interests of such company, which statement shall be filed in the office of the town clerk of the town in which said company be located, on or before the fifteenth day of January in each year, and which statement shall also be read to the members of said company at their annual meeting.

Withdrawal of members.

SECTION 14. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the president, or, in his absence, to the secretary thereof, and paying his share of all claims then existing against said company; and the directors, or a majority thereof, shall have power to annul any policy, by giving notice in writing to that effect, to the holder thereof.

Annulling of policies.

Non-resident members.

SECTION 15. Non-residents of any town in this state, owning property therein, may become members of any company formed under this act, and shall be entitled to all rights and privileges appertaining thereto,

except that it shall not be lawful for such non-resident to become a director of said company.

SECTION 16. The company so formed may adopt such by-laws for its regulation as are not inconsistent with the provisions of this act, and may therein prescribe the compensation of its officers. By-laws and regulations.

SECTION 17. All companies heretofore organized under the various laws in relation to town insurance companies, shall be deemed to be organized under the provisions of this act, and the several acts of such companies are hereby legalized and declared valid. What companies deemed organized under this act.

SECTION 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 345.

[Published April 1, 1876.]

AN ACT to codify and consolidate the laws relating to pay and mileage of members, pay of employes, and providing for newspapers, postage-stamps, stationery, and opening of legislature.

*The people of the State of Wisconsin represented in senate and assembly, do enact as follows:*

SECTION 1. Each member of the senate and assembly of this state shall be entitled to receive the sum of three hundred and fifty dollars annually, and ten cents per mile for the distance he shall have to travel in going to and returning from the place of the meeting of the legislature, on the most usual route; *provided*, that neither party claiming a contested seat in the senate or assembly, shall be entitled to receive any salary or mileage until the question of the right to such seat has been settled. Salary and mileage of members.

SECTION 2. It shall be the duty of the presiding officers of the senate and assembly, respectively, to issue, immediately after the commencement of the annual session of the legislature in each year, to each member of the house over which they respectively preside, who is entitled to receive the same, a certificate, countersigned by the chief clerk, showing that such member has taken the prescribed official oath, Presiding officers to issue certificates of membership and mileage.

and also showing the number of miles traveled by such member in reaching the place of the meeting of the legislature; and upon presentation of such certificate to the secretary of state, he shall issue his warrant for the amount of mileage and the annual salary, to which such member is entitled, directed to the state treasurer, whose duty it shall be to pay the same on presentation.

Payment of salaries and mileage.

Compensation of speaker of assembly.

SECTION 3. The speaker of the assembly shall be entitled to receive the same compensation allowed to other members of the legislature, for his services as speaker of the assembly; but in case of an extra session of the legislature no extra compensation shall be allowed.

Newspapers to members and officers.

SECTION 4. Members of the legislature, the lieutenant-governor, the chief clerk, and sergeant-at-arms of the senate, and the chief clerk and sergeant-at-arms of the assembly, are hereby authorized, during each session of the legislature, to take such newspapers as each may choose, at the expense of the state, at a cost not to exceed twenty dollars ($20) to each member and officer named, for the session.

List of papers to be left with secretary of state who shall order same.

SECTION 5. Members of the legislature and officers named in the preceding section shall each leave with the secretary of state a list of such papers as he may desire to have ordered in his behalf, and it is made the duty of the secretary of state to order the papers named in such lists to be sent to the members or officers desiring the same, to the amount named in the preceding section.

How accounts for newspapers to be audited.

SECTION 6. All accounts for newspapers furnished to members and officers of the legislature as in this act provided, verified by the affidavit of the claimant that the newspapers were actually furnished by such claimant to the members and officers (naming them individually) upon the order of the secretary of state, shall be audited and allowed so far as they are found to correspond with the orders so as aforesaid, made by the secretary of state, and his warrant shall be drawn upon the treasury, for the payment thereof; *provided*, that the rate for auditing bills for papers shall be in accordance with the published rates per annum for such papers, for the time they are taken by the members or officers of the legislature.

Stationery.

SECTION 7. The amount of stationery furnished in any one year to each and every member of the legislature, lieutenant-governor, chief clerks and the ser-

geant-at-arms, shall not exceed in value thirty dollars.

SECTION 8. The per diem of the officers of the legislature shall be as follows: The chief clerks, each six dollars; the assistant clerks, book-keepers, sergeant-at-arms, each five dollars; the assistant sergeant-at-arms and postmasters, each four dollars; to all other clerks, assistant postmasters, each three dollars and fifty cents; to the clerks of standing committees, door-keepers, firemen, porters, gallery-attendants and night-watchmen, each three dollars; to all messengers, each two dollars. Per diem of officers and employees.

SECTION 9. The per diem hereby established shall only be allowed from the commencement to the adjournment of the legislature, and each of the officers mentioned in this act is hereby authorized to receive his per diem from the treasury, on the certificate of the presiding officers of their respective houses as to the number of days attendance. What time per diem to be allowed.

SECTION 10. The superintendent of public property is hereby authorized to procure and deliver to, the lieutenant-governor, and each member of the senate and assembly as soon as practicable after the opening of each annual session, postage stamps to the amount of twenty-five dollars ($25.00) and of such denomination as those receiving such stamps may desire. Postage stamps to members.

SECTION 11. The superintendent of public property is directed to procure and deliver, immediately after the opening of the legislature in each year, to the chief clerks and sergeant-at-arms of the senate and assembly, each, postage stamps to the amount of fifteen dollars. Same to officers

SECTION 12. The superintendent of public property is hereby authorized to issue to the several standing committees of the legislature upon the written requisition of the chairman thereof, the necessary amount of stationery; *provided*, that an amount not exceeding five dollars in value shall be issued to any committee during one session of the legislature. Stationery to committees.

SECTION 13. The superintendent of public property is hereby authorized to furnish annually to the duly authorized reporters of daily newspapers, stationery to the amount of twenty dollars and postage-stamps to the amount of ten dollars, upon the certificate of the publisher of said paper that they have employed the person named in the certificate, and for the full session of the legislature, and that they will publish the proceedings, which certificate shall be endorsed Stationery and stamps to reporters.

by the presiding officer of the house in which such reporter has been engaged; but one person shall be entitled to draw stationery as reporter of any newspaper; and no person shall draw stationery as reporter for more than one branch of the legislature.

Pay of chief clerks for opening session.

SECTION 14. The chief clerks of the senate and assembly shall each receive the sum of fifty dollars for their services at the opening of the legislature, at the session following the one of which they were chief clerks.

Appropriation for indexing senate and assembly journals.

SECTION 15. There is hereby appropriated annually to the chief clerk of the senate, out of any money in the state treasury not otherwise appropriated, for indexing the senate journal, the sum of two hundred dollars. There is hereby appropriated annually to the chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, for indexing the assembly journal, the sum of two hundred and fifty dollars.

How money to be paid.

SECTION 16. The money hereby appropriated shall be paid by the state treasurer on the warrants of the secretary of state, which warrants shall be issued when the duties and labor herein provided for shall have been respectively performed each year after the close of the session.

Appropriation to carry out provisions of act.

SECTION 17. There is hereby annually appropriated a sum of money sufficient to pay the salary and mileage of the members of the legislature, and to carry out the other provisions of this act.

Repeal of conflicting acts.

SECTION 18. All acts and parts of acts in any way conflicting with the provisions of this act, including chapter eight (8), of the laws of 1867, and chapters thirty-eight and forty-five, of laws of 1869, and chapter fifty-eight, laws of 1870, and chapter eighty-one, laws of 1871, and chapter one hundred and eighty-nine, laws of 1874, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

# CHAPTER 346.

[Published April 6, 1876.]

AN ACT relating to the discontinuance of roads by user, and amendatory of section eighty-five (85), of chapter nineteen (19), of the revised statutes, entitled, "Of highways and bridges."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Said section eighty-five, of chapter nineteen, of the revised statutes, is hereby amended by adding thereto the following: *Provided*, that the supervisors of any town in which the same is situated may discontinue any road or portion of road, not recorded, which has become, or which is in process of becoming, a road by user, and which has not been worked by the public authorities of such town within two years then last passed, in the manner following: Said supervisors shall give two weeks' notice by publication in a newspaper published in such county, of their intention to discontinue such road or roads, or portions of the same, describing such roads or portions thereof with reasonable certainty, and stating the time and place in such town where they will meet to decide the same; on which day, or adjourned day, after hearing such arguments as may be presented, they, or a majority of them, may make an order discontinuing such roads or portions of roads as in their judgment should be discontinued, and upon filing such order in the office of the town clerk of such town, such roads shall thereby be discontinued and such proceedings shall not, in any case, be evidence of the acceptance, at any time, by such town of such road, or portions thereof.

Amended.

Discontinuance of unrecorded roads.

SECTION 2. This act shall take effect on and after its passage and publication.

Approved March 13, 1876.

# CHAPTER 347.

[Published April 7, 1876.]

AN ACT to authorize the appointment of phonographic reporters for certain counties in the Eleventh judicial circuit.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appointment of reporters.

SECTION 1. It shall be lawful for the judge of the circuit court for the Eleventh judicial circuit of this state, to appoint one or more phonographic reporters for the counties of Chippewa and Polk.

Status and qualification of reporters.

SECTION 2. Said reporters shall be sworn officers of said court, and shall be skilled in the art of shorthand reporting, one of whom shall attend upon each term of said court, when requested by the judge so to do.

Compensation of reporters.

SECTION 3. The said reporters shall be allowed such daily compensation as shall be fixed by the court, not exceeding ten dollars per day, for each days' actual attendance upon said court, which compensation shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court; *provided*, but one such reporter shall be employed at the same time.

Duty of reporters to furnish transcripts of evidence.

SECTION 4. It shall be the duty of said reporter upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence in which suit shall have been taken by said reporter, to make and furnish transcripts of such evidence, so taken by him, or any other proceedings had in such trial, to such party or his attorney, for which transcript, so furnished, said reporter shall be entitled to charge and receive from the party requiring the same to be made, fifteen cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified, audited and paid for in the same manner as per diem compensation of such reporter, and at the rate per folio mentioned above. In such cases, the reporter's notes shall be written out in full and filed with the clerk of the court.

Removal of reporters.

SECTION 5. The judge of said court may, in his discretion, remove such reporters, or any one of them, and may fill any vacancy caused by such removal, or from any other cause.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 348.

[Published April 6, 1876.]

AN ACT to incorporate the Fireman's Association of the city of Menasha.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter ten, of chapter one hundred and twenty-seven of the laws of Wisconsin of 1874, entitled, "An act to incorporate the city of Menasha," is hereby amended by adding thereto the following: Amended.

Section 12. All persons who are now or may hereafter become members of the fire department of the city of Menasha, and their successors, shall be and are hereby created, constituted and declared to be and continue a body politic and corporate, under the name and style of the "Fireman's Association of the city of Menasha," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, and shall have power to contract and be contracted with, to sue and to be sued, to plead and be impleaded with, to defend and be defended, in all suits and causes, both in law and in equity, and in all courts; and said corporation is hereby vested with all the powers, authority and privileges necessary to carry out and fulfill the objects of their association and corporation indicated by its corporate name. Fire department declared to be a corporate body.

Section 13. Said corporation shall have and keep a common seal, and may alter the same at pleasure; and said corporation shall have and are hereby invested with full power and authority to acquire by purchase, gift or otherwise, to possess, be seized with and enjoy, property, both real and personal, not exceeding fifty thousand dollars, and to sell, rent, devise, convey or otherwise dispose of their real or personal property at their pleasure; and also to make and effect loans borrow money for the use of said corporation, to issue notes and bonds for the payment of Powers and authority of corporation.

the same, and to make, execute and deliver any deed, mortgage or other instrument in writing as the case may require.

By-laws, rules, and regulations

Section 14. The members of this said corporation hereby incorporated shall have and are hereby invested with full power and authority to make, prescribe and establish such by-laws, rules and regulations as shall be necessary and proper for the government of its affairs and the regulation of the conduct of its members, and touching the management and disposition of the funds and property of said corporation, and the election and displacing of its officers and filling vacancies in office, and the admission and expulsion of members, and touching every matter and thing necessary and expedient to the business and objects of this incorporation; *provided*, that such by-laws, rules and regulations shall not be inconsistent with the constitution of the United States, or the constitution and laws of this state, or conflict with the charter of the city of Menasha.

Officers of association.

Section 15. The officers of this association shall be a president, vice-president, secretary and treasurer, and such other minor officers as the condition and circumstances of the association may require, which said minor officers may be elected or appointed as the association may determine by its by-laws, and said association may prescribe the powers and duties of its several officers, and require such bonds for the performance of the same, and with such penal sum as they may choose. And said association shall, at its first annual election, choose three of its members trustees, one of whom shall hold his office for three years, one for two years and one for one year, and annually thereafter shall choose one trustee for the term of three years, and such trustees shall hold said office until their successors are chosen and qualified in their stead, and all property, both real and personal, acquired by said corporation by gift, devise, purchase or otherwise, shall be vested in said trustees in trust for said association, and shall descend with all improvements and appurtenances to their successors in said office, and said trustees, by direction of said association, shall make, execute, acknowledge and deliver all deeds of conveyance of any property so held by them.

Annual meeting and election of officers.

Section 16. There shall be an annual meeting of the members of said corporation on the third Monday of April in each year, at which the officers shall

be elected by ballot by a majority of the members present, from their own body, and the officers elected shall hold their office for one year and until their successors shall be elected and qualified in their stead; but in case it shall at any time happen that an election of officers shall not be made on the said third Monday of April, the said corporation shall not be dissolved, but it may and shall be lawful to hold such election thereafter, pursuant to public notice given in one of the newspapers published in said city, at least six days before the time of said election, by the president of said corporation.

Present officers

Section 17. Of this said corporation, Peter Luckenbach shall be president, Alfred W. France vice-president, Charles B. T. Hutchins secretary, and Edward Wold treasurer, and who shall hold their respective offices until the third Monday of April next, and until their successors shall be elected and qualified in their stead. The president and vice-president of this said corporation and the chief engineer of the fire department of said city, shall be the trustees of said corporation, and hold said office until the third Monday of April next, and until their successors are elected and qualified as provided in this chapter.

City clerk to be provided with list of members of corporation.

Section 18. It shall be the duty of the board of trustees to make out and deliver to the clerk of the city of Menasha, on or before the first Monday in October in each year, and whenever said clerk may demand it, an accurate list of all members of this corporation, who are exempt from poll-tax, serving on jury or military duty.

Exemptions of members.

Section 19. All members of this association, who shall be active members of any fire, hook and ladder or hose company in said city, shall be exempt from poll-tax, serving on jury and military duty, during the time they shall continue active members as aforesaid; *provided*, such membership shall not exempt from military duty in case of insurrection or invasion.

Moneys to belong to association.

Section 20. All moneys heretofore paid over to any person or persons by members of the fire department of the city of Menasha, or paid by insurance companies or their agent or agents, under the general laws of this state, and now in the hands of any such person, and not otherwise appropriated, shall belong to this said association; and the person or persons holding such money shall pay the same over to the treasurer of this said association, and in default thereof the said association may sue therefor in its corporate name.

All moneys required to be paid by insurance companies under the general laws, for the benefit of the fire department, shall hereafter be paid to the treasurer of this association for the benefit of said association. All fines paid to the city treasurer for the violation of any ordinance of said city respecting the fire department, or conduct at fires, shall, by said treasurer of said city, be paid to the treasurer of this association.

How funds to be applied.

SECTION 21. All funds received by and belonging to said corporation shall first be applied, so far as necessary, to the liquidation of any just and legal claim against this said association. And after the payment of any and all such claims, said association may apply any of their funds to the relief of any such indigent or disabled firemen or their families as may be deemed worthy of assistance.

SECTION 2. This act shall take effect from and after its passage, and all acts contravening the provisions hereof are hereby repealed, so far as they may affect this association.

Approved March 13, 1876.

---

## CHAPTER 349.

[Published March 21, 1876.]

AN ACT to appropriate to the Orphans' Association, of Milwaukee, a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the Orphans' Association, of Milwaukee, the sum of five hundred dollars, out of the general fund, for the maintenance of orphans.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 350.

[ Published March 21, 1876. ]

AN ACT to appropriate to the St. Rose Orphan Asylum, of Milwaukee, a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the St. Rose Orphan Asylum, the sum of five hundred dollars, out of the general fund, for the maintenance of orphans. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 351.

[Published March 21, 1876.]

AN ACT to appropriate to the Cadle Home, of Green Bay, five hundred dollars.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Cadle Home, of Green Bay, the sum of five hundred dollars, out of any money in the state treasury not otherwise appropriated. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 352.

[Published March 21, 1876.]

AN ACT to appropriate a sum of money therein named to the "Fond du Lac Relief Society," for the maintenance of a Home for the Friendless.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the "Fond du Lac Relief Society," for the purpose of maintaining a Home for the Friendless, the sum of five hundred dollars, out of any money in the state treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 353.

[Published March 23, 1876.]

AN ACT for the payment of certain moneys for legal services, enforcing chapter two hundred and seventy-three, laws of 1874.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated the sum of seven thousand three hundred and eighty-six dollars and fifty cents, for the payment of legal services of counsel employed by the governor, to argue in the supreme court of the United States, at Washington, certain causes on appeal and writs of error between the state and railroad commissioners and the railroad companies, for the enforcement of chapter two hundred and seventy-three, of the laws of 1874, to be paid by the treasurer upon the warrant of the secretary of state, as follows: Thirty-one hundred and ninety-three dollars and fifty cents to L. S. Dixon, and forty-one hundred and ninety-three dollars to I. C. Sloan, in full for all services performed by them in the supreme court of the United States.

To whom payable.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 354.

[Published March 23, 1876.]

AN ACT to appropriate to Taylor S. Hayhurst a sum of money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Taylor S. Hayhurst from the general fund, out of any money not heretofore appropriated, the sum of two hundred and sixty dollars for his expenses and attorney fees in the contested election case of T. S. Hayhurst vs. P. Griffin, as follows: Appropriation.

| | |
|---|---|
| Sheriff's, justice and witnesses | $85 00 |
| Expenses | 25 00 |
| Attorney fees | 150 00 |
| | $260 00 |

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 355.

[Published March 23, 1876.]

AN ACT to appropriate to Joseph Bennett a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Joseph Bennett the sum of four hundred dollars, out of any money not otherwise appropriated, to reimburse him for expenses and attorney fees in the contested election case of Bennett vs. Gray. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 356.

[Published May 5, 1876.]

AN ACT to repeal section 2, of chapter two hundred and sixty-one, of the general laws for the year 1875, entitled, "An act to provide for the depositing of funds of the counties, the taxable property of which shall exceed in valuation, as fixed by the state board of equalization, the amount of thirty million dollars ($30,000,000)," approved March 4, 1875.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section two, of chapter two hundred and sixty-one, of the general laws of the year 1875, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 357.

[Published April 4, 1876.]

AN ACT to repeal part of section one (1), of chapter one hundred and seventy-seven (177), of the general laws for the year 1875, entitled "An act to authorize the county board of supervisors of the county of Milwaukee to appropriate a certain sum to the county treasurer of said county for the purposes of clerk-hire," approved March 4, 1875.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section one, of chapter one hundred and seventy-seven, of the general laws for 1875, is hereby amended by striking out of said section the words, "and no treasurer of said county shall be elected to the said office the succeeding term," and the clause in said section one, above recited, is hereby repealed.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 358.

[Published April 4, 1876.]

AN ACT to repeal chapter two hundred and forty-eight, of the laws of Wisconsin [of] 1873, entitled, "An act to repeal an act to amend chapter one hundred and fifteen, of the general laws of 1869, an act in relation to the courts of Milwaukee county, Wisconsin."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter two hundred and forty-eight, of the laws of Wisconsin [of] 1873, is hereby repealed, "An act to repeal an act to amend chapter one hundred and fifteen, of the general laws of 1869, an act in relation to the courts of Milwaukee county, Wisconsin." Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 359.

[Published April 4, 1876.]

AN ACT to repeal chapter forty-four, of the laws of Wisconsin [of] 1874, entitled, "An act to amend chapter two hundred and forty-eight, of the laws of 1873, entitled, 'An act to amend chapter one hundred and fifteen, of the general laws of 1869, entitled, 'An act in relation to the courts of the county of Milwaukee, Wisconsin.'"'

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter forty-four, of the laws of Wisconsin [of] 1874, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 360.

[Published April 4, 1876.]

AN ACT to prevent the hunting of deer with dogs.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to hunt deer with dogs.

SECTION 1. It shall be unlawful for any person or persons to hunt, chase, drive, worry or kill, with a dog or dogs, any wild buck, doe or fawn, at any time; and any person or persons offending against the provisions of this section shall be punished by a fine of not less than twenty dollars, and not more than thirty dollars, for each and every offense, together with costs of suit, and shall be imprisoned in the county jail of the county wherein the offense was committed, until said fine and costs are fully paid or are discharged according to law; and in all conditions [convictions] under this act, one-half of all fines and penalties shall be paid over by the justice of the peace to the person who shall inform or make the complaint in the case.

Penalty for violation of act

Jurisdiction of justices.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases which may arise under the provisions of this act; *provided*, that the defendant shall not be deprived of a jury trial, nor of his rights of appeal as in other cases.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 361.

[Published April 4, 1876.]

AN ACT to provide for the payment of fees to garnishees.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Parties summoned as garnishee to receive fees as witness.

SECTION 1. In all actions or proceedings hereafter commenced in any of the courts of this state, in which any person or corporation shall be summoned as garnishee, the person summoned to answer in such

garnishee suit or proceeding shall be entitled to receive the same fees for travel and attendance as is now allowed to witnesses in all courts in which said garnishee is summoned to appear, and such garnishee shall not be bound to appear or answer unless his fees for travel and at least one day's attendance, shall be paid him at the time of the service of the garnishee process upon him, and such fees shall be taxed as costs in the action or proceeding in the same manner as witness fees are now taxed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 362.

[Published April 1, 1876.]

AN ACT concerning the time of payment of salaries of certain officers and employes of the state.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

When payment of salaries to be made.

SECTION 1. No state officer, judges of the supreme court, judges of the circuit courts, nor any appointee to an office or employe of the state who shall be subject to removal from office or place by the appointing power, shall be permitted to draw any salary or compensation from the state treasury in advance, and all such officers who may be appointed to any office or place by the governor, or by any other state officer or officers, whose salaries are made payable quarterly by law, shall not receive or draw any such salary or compensation until the end of each month after he or they shall have taken possession of such office.

SECTION 2. This act shall take effect immediately after its passage and publication, and all acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Approved March 13, 1876.

## CHAPTER 363.

[Published April 1, 1876.]

AN ACT to detach certian territory from the city of Shawano and to attach the same to the town of Richmond, Shawano county, Wisconsin.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Change of boundaries.

SECTION 1. All that territory lying and being situate north of the south bank of the Shawano mill pond and Shawano creek, is hereby detached from the city of Shawano and attached to the town of Richmond, Shawano county, Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 364.

[Published April 14, 1876.]

AN ACT in relation to sheriff's fees.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Salary of sheriff of Milwaukee county.

SECTION 1. The salary of the sheriff of Milwaukee county shall be hereafter five thousand dollars ($5,000) per annum, payable quarter-yearly out of the general fund of said county as other disbursements are paid, and which shall be in lieu of all compensation, income, fees, costs and charges whatsoever, allowed heretofore by law to said sheriff, and said sheriff shall thereafter render quarterly account and statement of all fees, compensation and charges received by or through him to the county board of supervisors, and said sheriff shall pay over to the treasurer of Milwaukee all fees, compensation, and charges, whether received by and due to him for fees and compensation as sheriff quarterly.

SECTION 2. This act shall take effect and be in force from and after its passage; *provided*, that this act

shall not refer to the term of the present incumbent of that office.

Approved March 13, 1876.

---

## CHAPTER 365.

[Published April 6, 1876.]

AN ACT declaring certain portions of Spring street road, in the town of Wauwatosa, a county highway, and providing for the improvement thereof.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Portions of town road declared a county highway.

SECTION 1. That certain portions of the Milwaukee and Blue Mound road, commonly called Spring street road, in the town of Wauwatosa, between bridge across the Menomonee river and the northern entrance of the "National Home for Disabled Volunteer Soldiers," is hereby declared and henceforth made a county highway and as such shall cease to be under the charge and superintendence of the officers of the town of Wauwatosa.

Chicago, Milwaukee and St. Paul Railway to erect bridge over crossing.

SECTION 2. The Chicago, Milwaukee and St. Paul Railway Company is hereby required to erect and maintain an iron bridge at such crossing over its tracks, forty feet in width, thirty feet of which shall be for a roadway in the center, and five feet on each side for sidewalks, with suitable stone abutments sufficient to maintain, protect and preserve the earth embankments for approaching said bridge, which bridge shall be at least eighteen feet clear of the tracks of said railway.

Board of supervisors to construct approaches to bridge.

SECTION 3. The county board of supervisors of Milwaukee county are hereby required to cause to be constructed during the year 1876, suitable and convenient approaches to said bridge, which approaches shall not be less than sixty feet in width on the top and shall be sloped one and one-half feet to one foot of elevation, and graded to a convenient grade, not exceeding five feet in one hundred, on the east approach, and not exceeding six feet in one hundred on the west approach to said bridge, which grade on the west approach shall be extended westerly along the line of said Spring street road, on a level with said

bridge, not less than one hundred feet, and then ascending not exceeding six feet in one hundred, it shall be continued until it shall intersect the present grade of said road, and it shall be continued thence by excavation, ascending not exceeding six feet in one hundred, until it shall again intersect the present grade of said road westerly of the bluff, at or near the residence of H. F. Story, and the said board of supervisors shall cause said highway, within the limits and boundaries above mentioned, to be opened, graded, the roadway to be graveled and the sidewalks to be planked, and thereafter to be repaired and maintained, so as to afford a safe and convenient passage for vehicles and foot travelers.

Plan and estimate of cost of improvemen to be made.

SECTION 4. The said county board of supervisors shall forthwith cause to be made a plan of such approaches and an estimate of the cost of said improvements, and prior to the first day of June, 1876, they shall advertise for proposals, in one or more daily newspapers publishd in the city of Milwaukee, for at least ten days; and before the first day of July, 1876, they shall let such work to the lowest responsible bidder, from whom they shall require bonds for the faithful performance of the contract, and completion of the work on or before the first day of November, 1876, in a penalty equal to the estimated cost of the work.

City surveyor to be overseer of highways.

SECTION 5. The county surveyor of Milwaukee county is hereby constituted the overseer of said highway, and shall receive for his services such compensation as the county board of supervisors may deem proper.

Tax to be levied.

SECTION 6. The county board of supervisors of Milwaukee county shall annually levy a tax sufficient to cover all purposes and objects of this act.

How damages to be estimated and paid.

SECTION 7. If by improving said highway in the manner aforesaid, any damages be sustained by any person or persons owning lands adjoining such highway at the place or portion of such highway being so improved according to the terms of this act, then and in such case the damages so sustained shall be ascertained in the manner provided for by chapter nineteen, of the revised statutes of Wisconsin, and acts amendatory thereto; and it is hereby further provided, that any damages when so determined as aforesaid, shall be levied and collected in the same manner as other town charges; *provided*, that no damages shall be paid to or received by the party aggrieved, until

such improvement shall have been made as provided for by this act.

SECTION 8. In case of any dispute or difference of opinion arising as to the plan or proper mode of constructing such bridge and approaches, or either of them, between the county board of supervisors and said railway company, the same shall be referred to and decided by the city engineer of the city of Milwaukee, whose decision shall be final.

Dispute between railroad company and board to be settled by city engineer.

SECTION 9. It is made the duty of the Chicago, Milwaukee and St. Paul Railway Company, within sixty days from the letting of the contract by the county board of supervisors, to build the stone abutments provided for in section two of this act, and to complete said viaduct and bridge with all reasonable dispatch.

Duty of railway company.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 366.

[Published March 31, 1876.]

AN ACT to establish a State Board of Health, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor, with the advice and consent of the senate, shall appoint seven persons, who shall constitute the State Board of Health and vital statistics. The persons so appointed shall hold their offices for seven years; *provided*, that the terms of office of the seven first appointed, shall be so arranged that the term of one shall expire on the thirty-first day of January of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the governor, with the advice and consent of the senate; but any one may be re-appointed.

Appointment of state board of health.

SECTION 2. The State Board of Health shall have the general supervision of the interests of the health and life of the citizens of the state. They shall especially study the vital statistics of this state, and

Duties of board of health.

endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people, and they shall gather such information in respect to those matters as they may deem proper, for diffusion among the people. They shall, when required, or when they shall deem it best, advise officers of the government, or other boards within the state, in regard to the location, drainage, water-supply, disposal of excreta, heating, and ventilation of any public institution or building. They shall from time to time recommend standard works on the subject of hygiene for the use of the schools of the state. They shall, in the month of January, make report to the legislature of their doings, investigations and discoveries during the year ending December thirty-first, with such suggestions as to legislative action as they may deem necessary.

**Meetings of board and powers of same.**

SECTION 3. The first meeting of the board shall be within ten days after its appointment, and thereafter in June and January in each year, and at such other times as the board or president of the board shall deem expedient. The meeting in January of each year shall be in Madison. A majority shall be a quorum. They shall choose one of their number to be president, and may adopt rules and by-laws subject to the provisions of this act. They shall have authority to send their secretary or a committee of the board to any part of the state when deemed necessary to investigate the cause of a special or unusual disease or mortality, or to inspect any public building.

**Secretary of board and duties of same.**

SECTION 4. The board shall elect a secretary, either from their own number or otherwise, but when elected he shall be a member of the board and its executive officer. He shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for a just cause, at a regular meeting of the board, two-thirds of the members voting therefor. He shall perform the duties prescribed by this act, and such others as the board may require. He shall keep a record of the transactions of the board, shall have the custody of all books, papers, documents, and other property be-

longing to the board; he shall, so far as practicable, communicate with other state boards of health and with the local boards of health within this state; shall keep and file all reports received from such boards, and all correspondence appertaining to the business of this board. He shall aid, so far as possible, in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns, and such instructions as may be necessary and forward them to clerks of the several boards of health throughout the state. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people.

Salary and allowance of secretary.

SECTION 5. The secretary shall receive an annual salary, which shall be fixed by the State Board of Health; he shall also receive his necessary traveling expenses incurred in the performance of his official duties. The president of the board shall quarterly certify the amount due him, and on presentation of said certificate the secretary of state shall draw his warrant on the state treasurer for the amount. The other members of the board shall receive no compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be paid.

Appropriation for expenses of board.

SECTION 6. The sum of three thousand dollars per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, and all costs for printing, which shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

Health physician and clerks of local boards to report to state board.

SECTION 7. It shall be the duty of the health physician, and also of the clerk of the local board of health in each township, city and village in this state, at least once in a year, to report to the state board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from the state board. They shall also make especial reports whenever required to do so by the State Board of Health.

Duty of officers of state, physicians and others.

SECTION 8. In order to afford this board better advantages for obtaining knowledge important to be

incorporated with that collected through special investigations, and other sources, it shall be the duty of all officers of the state, the physicians of all mining and incorporated companies, and the president or any agent of any company chartered, organized or transacting business under the laws of this state, so far as practicable to furnish the State Board of Health any information bearing upon public health, which may be requested by said board, for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Secretary to be superintendent of vital statistics.

SECTION 9. The secretary of the State Board of Health shall be the superintendent of vital statistics. Under the general direction of the secretary of state, he shall collect these statistics, and prepare and publish the report required by law relating to births, marriages and deaths.

Board to have charge of quarantine matters and general public health.

SECTION 10. The board shall have charge of all matters pertaining to quarantine, and shall have authority to make such rules and regulations as they may from time to time deem necessary for the preservation or improvement of public health, and it shall be the duty of all police officers, sheriffs, constables, and all other officers and employes of the state, to enforce such rules and regulations, so far as they shall be intended to effect [affect] their respective duties.

Duties of officers of state.

Rooms to be provided for board and secretary.

SECTION 11. The secretary of state shall provide a room suitable for the meetings of the board, at Madison, and office room for its secretary.

SECTION 12. This act shall take effect upon its passage.

Approved March 13, 1876.

---

## CHAPTER 367.

[Published April 4, 1876.]

AN ACT to protect fish in the Baraboo river, in the counties of Columbia, Sauk, Juneau, Monroe, and Vernon.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Fish not to be taken with seine or net.

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound or gill-net, drag-

net, for taking, catching or killing fish in the waters of the Baraboo river.

SECTION 2. Any person who shall violate any of the provisions of this act shall, on conviction thereof, be subject to a fine for each and every such offense, of not less than ten nor more than fifty dollars, with costs of suit. Penalty for violation of act

SECTION 3. Justices of the peace shall have jurisdiction to try and determine all cases arising under the provisions of this act. Jurisdiction of justices.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 368.

[Published April 4, 1876.]

AN ACT for the preservation of fish in Waukesha county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person or persons to kill, destroy, catch or take in any way or manner, or pursue with intent to kill, destroy, catch or take in any way or manner, any pickerel, mascanonge, muscallonge, pike, pike-perch, black-bass, growler, or silver-bass, in any of the rivers or lakes in the county of Waukesha, between the first day of January and the thirty-first day of March, in any year. Unlawful to take fish at certain seasons.

SECTION 2. Any person or persons who shall molest disturb or destroy any pickerel, mascanonge, muscallonge, pike, pike-perch, black-bass, growler or silver-bass, at the time of their spawning, or disturb or distroy their spawning beds or nests, between the first day of January and the thirty-first day of March, of each year, shall, upon conviction thereof, be subject to and liable for a penalty of not less than five dollars nor more than fifteen dollars, for every such act committed in said county of Waukesha, together with the costs of prosecution. Penalty for killing or disturbing fish during spawning season.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 369.

[Published April 4, 1876.]

AN ACT to amend chapter one hundred and eighty-four, of the laws of 1874, entitled, "An act to revise, consolidate, and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two, of chapter thirteen, of chapter one hundred and eighty-four, of the laws of 1874, entitled, 'an act to revise, consolidate, and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, is hereby amended so as to read as follows: Section 2. The said board of health shall appoint at their first meeting a competent person as secretary of said board, who shall keep a full record of all the acts, orders, resolutions, rules and regulations, and proceedings of said board in a book to be provided for that purpose. He shall keep the mortuary record, fill up funeral permits, and when not engaged in office business, shall attend to and examine all places complained of as nuisances, and he shall otherwise devote his entire time to the performance of such duties as may be assigned him by the board of health. Copies of all acts, orders, resolutions, rules, regulations, and proceedings made from such record thereof and certified to by said secretary, under the corporate seal of said city, shall be received as evidence in all courts and places. Said secretary shall receive an annual salary to be fixed by the board, subject to the approval of the common council of said city, of not more than eight hundred dollars a year. He shall hold [his] office during the pleasure of the board, but shall not be a member thereof.

Appointment and duties of secretary of board of health

Salary of secretary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

# CHAPTER 370.

[Published April 4, 1876.]

AN ACT to amend chapter one hundred and ninety-nine, of the private and local laws of 1859, entitled, "An act to establish a municipal court in the city and county of Milwaukee."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Clerk of municipal court to pay fines, witness fees, etc. to city treasurer.

SECTION 1. The clerk of the municipal court in the city and county of Milwaukee, shall, on the first Mondays of January, April, July and October, of each year, account to and pay over to the city treasurer of said city all fines, penalties and moneys pertaining to either the city or county treasury, which may come into his hands by virtue of his office as clerk, and shall also on the first Mondays of January and July in each year, account to and pay over to the city treasurer of said city all witnesses fees which shall have come into his hands by virtue of his office as clerk, to within six months prior to such semi-annual reports, and shall not have been called for or paid over.

Amended.

SECTION 2. Section two, of chapter one hundred and ninety-nine, of the private and local laws of 1859, entitled, "An act to establish a municipal court in the city and county of Milwaukee," is hereby amended by adding to the end of said section the following: "And shall also on the first Mondays of January and July of each year, account to and pay over to the city treasurer of said city, all witnesses fees which shall have come into his hands by virtue of his office as clerk, to within six months prior to such semi-annual reports and shall not have been called for or paid over."

Clerk to pay over witness fees.

How witness fees to be drawn.

SECTION 3. All witnesses fees which shall be paid to the city treasurer by the clerk of the municipal court, shall be drawn out upon the certificate of the clerk of the municipal court, specifying the name of the person entitled to such witness fees, the amount due to him therefor, and the title of the cause in which he appeared as a witness.

Salary of clerk and deputy clerk of municipal court.

SECTION 4. The salary of the clerk of the municipal court shall be hereafter two thousand dollars per annum, and that of the deputy clerk twelve hundred dollars per annum, which salaries shall be paid quar-

terly, and shall not be increased or diminished during the respective terms of said clerks. The said salaries of said clerks shall be in full for all services required of them to be performed pursuant to any law of this state.

SECTION 5. All provisions of law contravening the provisions of this act are hereby repealed.

When act to take effect.

SECTION 6. This act shall take effect and be in force from and after its passage and publication, except section 4, which shall not take effect until after the expiration of the present term of office of the present incumbents.

Approved March 13, 1876.

---

## CHAPTER 371.

[Published April 4, 1876.]

AN ACT to amend section one, of chapter three hundred and eleven, of the private and local laws of 1862, entitled, "An act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter three hundred and eleven, of the private and local laws of 1862, entitled, "An act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee," is hereby amended so as to read as follows:

Salary of clerks of circuit and county courts and how payable.

Section 1. The salary of the clerk of the circuit and county courts for the county of Milwaukee is hereby fixed at the sum of six thousand dollars per annum, and the sum shall be paid to him by the county of Milwaukee, quarterly, at the end of each three months out of the county treasury of the county of Milwaukee, and the same shall be in full for all services which said clerk is required by law to perform, in any action or proceedings instituted, tried or had in said circuit and county courts, and also for deputy and clerk hire; *provided*, that in addition to said salary he shall also be entitled to receive the fees which are now provided by law for copies of records or papers, commissions, transcripts, and exemplifications of judgments and records, and in no case shall he or his deputy,

clerk or clerks, or any or either of them be allowed or paid any per diem fee for attendance upon either of said courts; *and provided, further*, that this act shall not apply to the present clerk of said courts, his deputy or clerks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 372.

[Published April 4, 1876.]

AN ACT to amend sections one and twelve, of chapter one hundred and eighty-six, of the general laws of 1861, entitled, "An act providing for a lien for labor and services upon logs and lumber, in the county of Chippewa;" and also to repeal chapter one hundred and sixty-one, of the laws of 1874, entitled, an act to amend chapter 186, of the general laws of 1861, entitled, an act providing for a lien for labor and services upon logs and lumber, in the county of Chippewa.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one, of chapter one hundred and sixty-one, of the general laws of 1861, is hereby amended so as to read as follows: Section one. Any person, company or corporation that may do or perform any labor or services in cutting, hauling, driving, running, rafting, booming, cribbing or towing, or for any other labor or services performed upon any logs, lumber or timber, in Chippewa county, and for cooking for laborers thereon, and for hauling supplies for men or teams engaged in such business, and for labor or services furnished or done for such business at the request of the owner or contractor, upon any logs or timber in the county of Chippewa, in this state, shall have a lien thereon, subject to any debt owing for the purchase-money of the timber or stumpage, for the amount due for such labor, cooking, hauling, and services, and the same shall take precedence of all other claims thereon.

Amended.

Lien for labor on logs, timber, etc.

SECTION 2. Section twelve, of said chapter, is hereby amended by adding thereto the following proviso: *Provided*, that any person owning an interest in the logs, lumber or timber liened, may be made a defendant in all actions prosecuted under this act, on

Amended.

motion to the court, upon affidavit showing that he has an interest in such logs, lumber or timber, and what his interest is, as well as his defense to the action. Section four, chapter one hundred and sixty-one, of the laws of 1874, is hereby repealed.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 373.

[Published April 4, 1876.]

AN ACT to amend chapter eighteen (18), of the revised statutes, entitled, "Of the assessment and collection of taxes."

*The people of the State of Wisconsin represented in senate and assembly, do enact as follows:*

Apportionment omitted, to be made in succeeding year.

SECTION 1. Whenever the board of supervisors of any county in this state shall fail to apportion against any organized town thereof, in any year, any state, county, or school tax, or any part of any such tax, with which such town is or should be properly chargeable, it shall be lawful and it is made hereby the duty of the board of supervisors of the county in which such town is situated, in any succeeding year thereafter, to apportion any and all such taxes so failed to be apportioned against such town, and add the same to the amount of the annual or current tax apportioned to such town. It shall be the duty of the clerk of the said board to certify the gross amount of such taxes to the clerk of such town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes; and it shall be the duty of the town clerk of such town to calculate and carry out the gross amount of such omitted and current taxes in the manner and the time now provided by law for carrying out taxes in town tax-rolls and warrants. The provisions of this act shall apply to the wards in cities and incorporated towns and villages, and to such failures so to apportion that have heretofore occurred as well as to those that may hereafter occur.

Duty of county clerk to certify taxes to town clerk.

Act to apply to cities and villages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 374.

[Published April 4, 1876.]

AN ACT relating to duties of town officers and amendatory of section two, of chapter fifteen, of the revised statutes.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two, of chapter fifteen, of the revised statutes, entitled, "Of towns and town officers, powers and duties of towns," is hereby amended to read as follows: Section 2. The qualified electors of each town shall have power at any legal meeting thereof to vote to raise money for the repair and building of roads and bridges, for the support of the poor, and for defraying all proper charges and expenses arising in the town, and they may direct the institution and defense of actions in all controversies between such towns and corporations, individuals or other towns, and direct such sum of money to be raised for prosecuting and defending such actions as they may deem proper.

Amended.

Electors to vote for raising money for repair of roads and bridges and other purposes.

SECTION 3 [2]. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 375.

AN ACT to amend chapter two hundred and eighty-eight, of the laws of Wisconsin, for the year 1874, entitled, "An act to authorize Daniel Shaw and his associates to improve Thorn-Apple river for log-driving purposes."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two, of chapter two hundred and eighty-eight, of the laws of 1874, entitled, "An

Amended.

act to authorize Daniel Shaw and his associates to improve Thorn-Apple river for log-driving purposes," is hereby amended by striking out the word "two," in the thirteenth line of said section, and inserting the word "three," in lieu thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 376.

[Published April 4, 1876.]

AN ACT to amend section fifty-eight, of chapter one hundred and fifty-two, general laws of 1869, relating to highways and bridges.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Survey and description of highway laid out to be made and recorded.

SECTION 1. Section fifty-eight, of chapter one hundred and fifty-two, of the general laws of 1869, is hereby amended so as to read as follows: Whenever the supervisors shall lay out, alter or discontinue any highway, they shall cause an accurate survey thereof to be made, when necessary, and they shall make out a description of the highway so laid out, altered or discontinued, and incorporate the same, in an order to be signed by them, and shall cause such order to be filed and recorded in the office of the town clerk, who shall note the time of recording the same in the record. Such order, together with the award of damages hereinafter mentioned, shall be made out and filed in the office of the town clerk within ten days after the day fixed for deciding upon the application; *provided*, that the town board of supervisors shall have power to adjourn from time to time until they can decide upon such application, but not to exceed thirty days from the time of the first meeting of the board; on such application a written notice for each adjournment shall be posted for laying out, altering or discontinuing such highway, and in case said supervisors shall fail to file such order and award within the ten days aforesaid, they shall be deemed to have decided against the application.

Notice of application to be posted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 377.

[Published April 4, 1876].

AN ACT to amend section four, of chapter two hundred and fifty-nine, laws of 1874, entitled, "An act to authorize Samuel L. Serene to keep and maintain a ferry on the Mississippi river."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four, of chapter two hundred and fifty-nine, laws of 1874, is hereby amended so as to read as follows: Section 4. The said Samuel L. Serene shall, within two years and three months after the passage of this act, file or cause to be filed with the register of deeds of Pepin county, his bond executed to said county in the penal sum of one thousand dollars, with two or more sufficient sureties, to be approved by the chairman of the county board of supervisors, conditioned that he will faithfully fulfill all the duties required of him by this act; and in case of his failure so to do, he shall forfeit all the rights and privileges secured to him by the passage of this act.

Amended.

Bond for faithful performance of duty to be filed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 378.

[Published April 7, 1876.]

AN ACT to amend chapter sixteen, private and local laws of 1872, entitled, "An act to incorporate the city of Eau Claire."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two, of chapter two, of chapter sixteen, of the private and local laws of 1872, entitled,

Amended.

"An act to incorporate the city of Eau Claire," is hereby amended so as to read as follows: Section two. The qualified voters of the city of Eau Claire shall hold an election on the fourth Tuesday of February, 1877, and annually thereafter for the election of city and ward officers. Said election shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen and justice of the peace in the respective wards, or in case of the absence or disability of either, the voters present at the hour of opening the polls shall elect, viva voce, a sufficient number of inspectors to make three, with the alderman or aldermen or justice present, who shall be severally sworn, in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who before entering upon the discharge of their duties, as such clerks, shall also be severally sworn in accordance with the laws of this state; and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of the said returns to the city clerk of said city, the other to the county clerk of the county of Eau Claire. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after such election, meet at the office of the city clerk, and canvass said returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open, in the respective wards, from nine o'clock in the forenoon, until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of this state, and any frauds or violation of said laws, at such elections, shall be punishable in the same manner as any violation of the election laws, in any part of the state.

Election of city and ward officers.

Canvass and return of votes.

SECTION 2. Section twenty-four, of chapter eleven, of said chapter sixteen, of the private and local laws of 1872, entitled, "An act to incorporate the city of Eau Claire," is hereby amended by adding thereto the following, viz: *Provided, however*, that the common council of said city may, by ordinance, designate a place or places, within the limits of said city, for the

Amended.

Confinement of offenders.

confinement of offenders violating any of the ordinances or by-laws of said city of Eau Claire.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 379.

[Published April 7, 1876.]

AN ACT in relation to the lands granted by congress to the state to aid in the building of railways.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Title of land to include causes of action for trespass prior to conveyance.

SECTION 1. Every conveyance by the State of Wisconsin to any railway company, of lands granted by congress to the state to aid in the construction of the railway which said railway company has constructed, shall be deemed in law to convey, not only the title of the state in and to said lands, but all cause or causes of action for or on account of trespasses committed by any person or persons, corporation or corporations, upon said lands prior to the conveyance to said railway company; *provided*, that nothing herein contained shall be so construed as to interfere with any litigation now pending in which the state is a party plaintiff, to recover for any trespasses committed upon lands prior to their conveyance to any railroad company; *and provided further*, that this act shall not be applicable to any such lands the title to which is in litigation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 380.

[Published April 4, 1876.]

AN ACT to more effectually protect the manufacture of butter and cheese.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Penalty for using unwholesome milk in manufacture of butter and cheese.

SECTION 1. Whosoever shall knowingly sell, supply, or bring to be manufactured into butter or cheese, at any butter or cheese factory in this state, any milk that has been drawn from any cow before calving, or within four days after calving, or before the fever is out of the udders, or milk from diseased cows, or from cows that have diseased udders, or milk that has been polluted by having cats or vermin drowned or thrown in it, or milk that has been made filthy by careless milking or handling, shall be guilty of a misdemeanor, and upon conviction of such offense, shall pay a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, with costs of suit, or by imprisonment in the county jail not exceeding thirty days.

Jurisdiction of justices.

SECTION 2. Justices of the peace and police justices shall have concurrent jurisdiction with the circuit court in all cases under section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 381.

[Published April 4, 1876.]

AN ACT to protect purchasers of railroad land-grant lands in this state.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Governor to convey lands to railroad companies or assigns.

SECTION 1. That whenever any railroad company or railway company, in this state, holding grants of land to aid in the construction of its railroad, have or shall have finished and put in running order its said railroad, or

any section or sections of said railroad of twenty continuous miles, and the same shall have been certified to the secretary of the interior of the United States, by the governor of this state, as completed in compliance with the several acts and resolutions of the congress of the United States and the act or acts of the legislature of this state, granting said lands for the construction of said railroad, and lists of said lands so granted, or of any portion thereof, have been certified by the secretary of the interior of the United States to this state for said company or its predecessor, by and under which the right to have said lands may have been required by said company, the governor of this state, acting in the name of and for the state, is hereby authorized and directed to convey said lands so certified by deed or deeds in the usual form, to said company or its assigns, which deeds, when so issued, shall be *prima facie* evidence of title in all the courts of this state, and shall enure to the benefit of said company or its assigns, and to any and all persons or parties claiming any right, title or interest in and to any of said lands by, through or under said company or its assigns, to the extent of their respective right, title or interest in and to any of said lands, to the same extent and in the same manner as if said lands had been originally so conveyed by the governor of this state, for and on behalf of this state, prior to any person or party having acquired any right, title or interest in and to any of said lands, by, through or under said company or its assigns; *provided*, that nothing herein contained shall be construed as in any manner impairing or abridging any right, title or interest in and to said land, which may have been lawfully acquired by any pre-emption or homestead claimant, or other person.

Conveyance to be prima facie evidence of title.

SECTION 2. The expenses attending the issuing of said deeds shall be paid by the company to which the same are issued, the cost thereof to be ascertained and fixed by the secretary of state, and not to exceed the cost for like or similar services in other cases.

Expense of conveyance to be paid by company.

SECTION 3. This act shall take effect and be in force from and after its publication.

Approved March 11, 1876.

# CHAPTER 382.

[Published April 7, 1876.]

AN ACT to authorize the owners of the rights to use water from the power created by the dam constructed under "An act of the territorial legislature of Wisconsin," approved February 21, 1848, in the city of Janesville, known as the Monterey dam, to pay judgments recovered for flowage or injury to lands, to create a lien for such payments, to enforce the same by contribution and sale, and for repairs, to bar and foreclose the rights in said dam and water-power of the defendants, against whom such judgments are rendered, in case they fail to pay the same, to adjudge such judgments to be a lien on said dam and water-power, and authorize the sale thereof.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

In case of recovery of judgment against owners of dam, person having right to use water may pay same.

SECTION 1. In case any owner of lands flowed or injured by reason of the maintenance of the dam across Rock river, in the city of Janesville, known as the Monterey dam, authorized by an act of the legislature of the territory of Wisconsin, approved February 21, 1848, as amended by chapter two hundred and fourteen, of the private and local laws of 1850, shall have recovered or shall recover any judgment against the owners of said dam, for such flowage or injury, or if the compensation to be paid for such flowage or injury, or for the perpetual right to flow or injure any lands by the maintenance of said dam, shall have been or shall be judicially determined by the judgment of any court, and the owners of said dam, against whom such judgment has been or shall be recovered, shall have failed or shall fail, to pay such judgment within the time fixed by the court for the payment thereof, then any owner of, or person having a legal or equitable interest in the perpetual right to draw and use water from the pond created by said dam, or from raceways connected therewith, shall have the right to pay and discharge the judgment or compensation so recovered or determined; and if any such owner or person having such interest in the right to draw and use water shall pay the same, he shall have a claim and lien upon all the rights to draw and use water from said pond and raceways for a just and valuable portion of the amount so paid to discharge such judgment and compensation, and shall be subrogated to all the rights of the owner of such judgment.

SECTION 2. In case any owner of, or person having such interest in, the right to draw and use water as aforesaid, shall refuse or neglect for sixty days after demand made to contribute and pay his just and ratable portion of any such judgment or compensation, recovered or determined as aforesaid, or shall neglect or refuse to pay his just and ratable portion of any moneys heretofore or hereafter expended in repairing and maintaining said dam, then any owner of or person having such interest in the right to draw and use water as aforesaid, who shall have paid such judgment or compensation or for such repairs and maintenance of said dam, shall have a right of action in any court of competent jurisdiction to have the amount to be paid by each owner of and person having such interest in the right to draw and use water as aforesaid, determined, and in case any such owner or person having such interest shall fail to pay the amount so determined as his just and ratable share, within the time limited by the court, then all of the right, title and interest of such owner or person in the right to draw and use water as aforesaid who shall so neglect to pay, may by the judgment of said court be directed to be sold, and the proceeds of the sale be applied to the payment of the amount adjudged to be paid by such owner or person having such interest and the taxable costs of such action.

In case owner of right to draw water refuses to pay his portion of judgment.

SECTION 3. When such judgment or compensation for flowage of or injury to lands, shall have been paid to the land owners as aforesaid, the persons paying the same, their associates and assigns, shall have full right and authority to maintain said dam as against such land owner, at the height the same was when such judgment or compensation was recovered or determined.

Person paying judgment may maintain dam.

SECTION 4. The owners of such dam, against whom any such judgment or determination of compensation has been or shall be recovered or had, may be made parties to the action provided for by section two of this act, and if they shall fail to pay the whole of any such judgment or compensation for flowage of or injury to lands, with interest, and the costs of such action, within such reasonable time as the court may direct, a judgment shall be rendered against such owners, forever barring and foreclosing them of all right, title and interest in and to said dam, and the water-power thereby created, and all their right, title and interest in and to the same shall vest in, and shall

Owners of dam may be made parties to action.

be adjudged to vest in, and to be held and owned by such of the owners of, or persons having such interest in the right to draw and use water as aforesaid, as shall pay such judgment and compensation.

In case judgment for flowage or injury to lands shall not be paid by owners, persons recovering judgment may commence supplementary action

SECTION 5. In case any such judgment or compensation for flowage of or injury to lands, recovered or determined as aforesaid, shall not be paid by the owners of said dam, or by any of the owners of, or persons having such interests in the rights to draw and use water as aforesaid within the time limited by the court for the payment thereof, then the person or persons recovering such judgment or in whose favor such compensation is determined, their personal representatives or assigns, may, at their option, instead of abating said dam, commence an action supplementary to the original action in which such judgment or determination of compensation was recovered or had against the owners of said dam, and all of the owners of and persons having such interests in the rights to draw and use water as aforesaid, requiring them, and each and every one of them, to show cause why such owners or proprietors of said dam should not be forever barred and foreclosed of and from all right, title, interest and claim in or to said dam, water-power, franchises and right to draw or use water therefrom, unless they pay the amount of such original judgment and compensation recovered or determined as aforesaid within such reasonable time as the court may designate, and also requiring the defendants in said supplementary action to show cause why a supplementary judgment should not be rendered therein, adjudging that such judgment and compensation recovered and determined as aforesaid, be a lien and charge upon said dam, water-power and the franchise thereof, and upon all rights to draw and use water thorefrom, and unless good cause be shown to the contrary, a supplementary judgment shall be rendered for the amount of such original judgment and compensation with interest and taxable costs of both actions, and adjudging that if the defendants against whom said original judgment and compensation was rendered and determined, shall neglect to pay said supplemental judgment within such reasonable time as the court shall direct, the said last mentioned defendants shall be forever barred and foreclosed of and from all rights, title and interest in and to said dam and water-power, and also adjudging the said supplemental judgment to be a lien and charge upon

said dam, water-power and franchises, and upon all rights and interests in rights to draw and use water from said power, and in such case such supplementary judgment shall determine the amount or portion of such supplementary judgment which each of the owners of and persons having such interests in the rights to draw and use water as aforesaid, ought to pay as his or their just and ratable portions thereof; and such supplemental judgment may also adjudge and provide that any of the parties to said supplementary action, their representatives or assigns, may, within such reasonable time as the court may designate, pay the amount so apportioned to him or them, or against his or their respective interests, and that if any such owner of or person having such interest in the right to draw and use water as aforesaid, shall neglect to pay the amount so apportioned to him or against his interest within the time limited therefor, then any other owner of or person having such interest in the right to draw and use water as aforesaid, may, within ten days after the expiration of the time so designated, pay the amount so apportioned to or against the interest of the person so neglecting to pay. All such payments shall be made to the clerk of the court, in which such supplementary action shall be pending, and when any such payment shall be made, said clerk shall give to the person or persons making the same a certificate reciting the rendition of such supplementary judgment and the portion thereof which such person has paid and the interest in and to said water-power and water-rights, which, by reason of such judgment and payment, shall rest in the person or persons making such payment. Such certificate shall be under the seal of said court, and shall be entitled to record in the office of the register of deeds for Rock county, and shall be deemed and held to be a good, sufficient and effectual conveyance to pass and convey to the person to whom it shall be so issued, a good and indefeasible estate and title in and to all of the interest in said water power, and rights to draw and use water, in said certificate, described and thereby intended to be conveyed; and said supplemental judgment may further adjudge and provide, that in case the full amount thereof shall not be paid in the manner hereinbefore provided, within the time designated for the payment thereof by said judgment, the said clerk shall on demand refund to each person so paying the money so

Certificate to be recorded and deemed sufficient conveyance.

paid by him, and that the said dam, water-power, franchises, and all the rights and interests in the rights to draw and use water from said power shall be sold in one parcel, and as a whole, by the sheriff of Rock county, to the highest bidder therefor, and that out of the proceeds of such sale the sheriff shall pay: First, the expenses of the sale; second, the said supplementary judgments to the plaintiffs in said supplementary action, their representatives or assigns, and said sheriff shall bring into court any surplus money to be disposed of as the court may direct. All of the proceedings in said supplementary action shall conform as nearly as may be practicable to the practice and proceedings in the courts of this state as provided by law, and the rules and practice of such courts in foreclosure and other equitable actions, but there shall be no redemption from such sale, and the sheriff making the same shall forthwith execute a deed to the purchaser at such sale, which shall be good and effectual to pass and convey to such purchaser all the right, title and interest of the parties to said supplementary action and judgment in the premises and rights authorized to be paid as aforesaid.

Sheriff to execute deed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 383.

[Published April 7, 1876.]

AN ACT to authorize joint school district number one, of the towns of Wonewoc and Woodland, in the counties of Juneau and Sauk, to borrow money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners of school and university lands to loan school fund to school district.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan to joint school district number one, of the towns of Wonewoc and Woodland, in the counties of Juneau and Sauk, for the purpose of erecting school buildings in said district, and for no other purpose, out of the school, university or normal school funds, in their charge

and under their control, and for such term or terms of time, not exceeding ten years, as may be agreed upon, a sum of money which, together with all the other indebtedness of said district, shall not exceed five per cent. of the assessed valuation of the taxable property in such school district, as shown by the last assessment rolls of said towns, previous to the time of making such loan, and not to exceed in any case the sum of four thousand dollars, at the legal rate of interest of seven per cent. per annum, and upon such evidence of indebtedness as said commissioners shall prescribe and require, and such loan shall be made payable in equal annual installments, from and after the time fixed by said commissioners, with interest, payable annually thereon, in advance.

When loan to be made payable.

SECTION 2. The commissioners shall make no loan to such school district on application of any person or persons, unless such application be authorized by a vote of a majority of the legal voters of said district voting upon such question, and if at a special election such question shall be clearly stated in the notice thereof; and the certificate of the clerk of such school district shall be conclusive evidence of all the facts stated therein, which certificate shall be deposited with the said commissioners, and kept on file in their office.

Loan to be authorized by orders of school district.

SECTION 3. All the provisions of chapter forty-two of the general laws of 1871, except the first three sections thereof, shall apply to said loan and to the collection thereof, as fully as if incorporated herein.

Laws applicable to loan.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 384.

[Published April 6, 1876.]

AN ACT for the organization of savings banks and savings societies.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any number of persons, not less than twenty, may unite for the purpose of organizing an association to receive on deposit the savings of labor-

How associations to be organized.

ers, mechanics, farmers, servants, minors, and others, and to loan the same for the benefit of such depositors. They may make, sign and acknowledge before some proper officer authorized to take the acknowledgments of deeds, a certificate in writing, in which shall be stated the name of such association, the names of the corporators, the name of the city, village, town and county in which the operation of such association is to be conducted.

Certificate to be filed in office of register of deeds and duplicate deposited in office of secretary of state.

SECTION 2. Such certificate shall be filed in the office of register of deeds of the county in which the business of the association is to be carried on, and a duplicate thereof shall be deposited in the office of the secretary of state.

Power of corporation to enact by-laws. Same to be conspicuously posted.

SECTION 3. Such corporation shall have power to enact by-laws for the government of its affairs, and such by-laws may prescribe the condition on which such deposits shall be made and the terms on which payments shall be made to the depositors by such institution, and the depositors shall be bound by the conditions enacted in such by-laws, which shall be printed and conspicuously posted in the office of such corporation.

Board of trustees.

SECTION 4. The corporators shall annually elect by ballot a board of trustees or directors, which shall consist of not less than ten.

Officers of board of trustees.

SECTION 5. The trustees or directors, within ten days after their election, shall elect from the members of their own board a president, one or more vice-presidents, a treasurer, and a secretary; they may also elect from their own members a committee on finance, all said officers to hold their offices till others are elected to fill their places.

Corporation may hold and convey real estate.

SECTION 6. It shall be lawful for such corporations to purchase, hold and convey such real estate as banks of discount and circulation are authorized by laws of this state to purchase, hold and convey.

But three officers of savings association may be officers of bank of discount.

SECTION 7. No more than three officers of any savings association, shall at the same time be officers of any one bank of discount or circulation, or trust company; and no cashier of a bank of discount or circulation shall be treasurer of any savings bank having over five hundred thousand dollars of deposits.

How deposits may be employed and secured.

SECTION 8. Any savings bank organized under this act may employ not exceeding one-half its deposits in making loans on personal security, and in the purchase of the public stock or bonds of the United States, of the northwestern states, to-wit: Ohio, In-

diana, Michigan, Illinois, Iowa, Wisconsin and Minnesota, of the authorized bonds of any incorporated city, village, town or county in the aforesaid northwestern states. All other loans shall be secured by mortgage of unincumbered real estate, lying and situated in the aforesaid northwestern states. No such savings bank shall invest any part of its deposits in the stock of any railroad company, nor loan on, nor invest in, any mortgage on real estate, except such real estate as lies in the aforesaid northwestern states.

**What security not acceptable.**

SECTION 9. No such corporation shall buy or loan any money upon any obligation on which only one person or firm shall be holden, without additional security for the same, equivalent to the guarantee or indorsement of some other responsible party.

**Limit of deposits.**

SECTION 10. Such bank may receive on deposit from any one person, in his or her own name, or in the name of another in one year, a sum not exceeding one thousand dollars.

**Auditors and duties of same.**

SECTION 11. The directors, managers or trustees, shall annually appoint not less than two auditors, who shall not be directors, managers, or trustees of the corporation, who shall examine the books, accounts and securities belonging to such society or bank, and make a sworn statement showing the true condition thereof, the total amount of deposits, the whole number of depositors, the largest amount due to any one depositor, the amount invested in loans on real estate securities, the amount invested in stocks and bonds, the amount of funds on hand, the names of corporators, trustees, and of the other officers of such institution, on the first day of January of each year, which statement shall be kept on file in the office of such bank, and an attested copy of the same shall be forwarded to the secretary of state, on or before the first day of February in each year.

**Circulating medium not to be issued.**

SECTION 12. Such corporation shall not make and issue any bill or promissory note to circulate as currency.

**Compensation of officers.**

SECTION 13. No corporator, trustee, director, manager, nor any other officer, except the treasurer, shall receive any compensation for his services in the management of such bank, nor derive any emolument therefrom; *provided, however*, that the president may receive for his services a sum not exceeding five hundred dollars, when the deposits shall exceed five hundred thousand dollars.

How income to be divided.

SECTION 14. The net income actually earned by any such association shall be divided semi annually among its depositors to an amount not to exceed six per cent. a year on their deposits. The surplus earnings above said six per cent. after reserving a moderate sum for a contingent fund, shall be divided among the depositors as an extra dividend as often as once in every three years.

Officers of corporation not to be borrowers surety.

SECTION 15. No trustee, director or manager of such corporation shall be a borrower or surety for a borrower of any of its funds, nor receive any money or valuable thing for negotiating, procuring or recommending any loan from such bank, nor for selling or aiding in the sale of any stocks, bonds or securities to such savings bank, and any such officer who shall violate any provision of this section shall forfeit to the state one thousand dollars.

Treasurer to give notice of meetings.

SECTION 16. The treasurer shall, at least ten days before each meeting of the corporators, mail or deliver to each a written or printed notice of the day and hour of holding such meeting, and if he shall neglect to give such notice, he shall pay one hundred dollars into the treasury of the town or city where such bank is located.

Treasurer to give bonds.

SECTION 17. The treasurer shall give bonds with surety to the acceptance of the directors or trustees in not less than ten thousand dollars, payable to said bank, said bond to be in the custody of the president thereof. No president, director or trustee shall be surety in the bond of such treasurer.

What laws corporation subject to.

SECTION 18. Every corporation formed under the provisions of this act shall possess the powers and be subject to the provisions of the seventy-eighth chapter of the revised statutes so far as the same may be applicable.

Act to be submitted to voters at general election.

SECTION 19. At the general election to be held on the Tuesday next succeeding the first Monday in November, in the year eighteen hundred and seventy-six, at the usual places of holding such elections in this state, for the election of all officers required by law then and there to be elected, the question whether this act shall go into effect, or in any manner be in force, shall be submitted to the people, and if the same shall be approved by a majority of all the votes cast on that subject, it shall go into effect and be in force from and after the date of said election, otherwise it shall not go into effect or in any manner be in force.

SECTION 20. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed on each of them the words, "For an act to incorporate savings banks," or, "Against an act to incorporate savings banks," which words shall indicate the vote of the elector for or against the approval of this act, and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for state officers and required by law to be canvassed, and the secretary of state shall immediately on the completion of said canvass publish a statement of the result thereof, in some newspaper printed at the seat of government, and shall communicate the same to the next legislature, at the commencement of its session, and he shall also deliver to the state treasurer a certified copy of this act, if the same shall have been approved, and a statement of the result of the canvass on the subject, immediately after the completion of said canvass. How vote to be taken and canvass and returns made.

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 385.

[Published April 4, 1876.]

AN ACT to lay out, open and establish a state road from, at or near Jenny, in Lincoln county, to Westboro, in Taylor county, and to intersect the new Yellow river road, in Chippewa county, at a point on the northwest quarter of the northwest quarter of section five, town thirty-two, range five west.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. E. H. Everett, of Chippewa county, Daniel Cline, of Lincoln county, and C. C. Palmer, of Taylor county, are hereby appointed commissioners to lay out, open and establish a state road commencing at or near Jenny, the county seat of Lincoln, running thence in a northwesterly course in the most feasible route, to Westboro, in Taylor county; thence a westerly course, crossing Leavitt's creek in section eight, town aforesaid; thence a southwesterly course along the south bank of Jump river, to intersect the New Yellow river road at a point on the northwest Commissioners for laying out state road. Course of road.

quarter of the northwest quarter of section five, town thirty-two, range five west.

Power of two commissioners to lay out road.

SECTION 2. Any two of said commissioners shall have power to lay out, open and establish said road, and shall proceed to the discharge of that duty on or before August first, 1876, and complete the same as soon as practicable, and shall be entitled to receive for such services a reasonable compensation, to be paid for by the said counties, in proportion to the time expended and labor performed in each county in laying out, opening, establishing and completing said road; *provided*, no part of said expenses shall be paid by the state.

Compensation of commissioners.

Powers of commissioners to settle damages, etc.

SECTION 3. The commissioners shall have power to settle and agree with the occupants of lands through which said road may pass, for the damages thereby occasioned, and may assess all damages occasioned to any lands by the laying out, opening and establishing said road, and shall file with the several town clerks of the towns through which said road may pass, their awards of the damages sustained by the owners of said lands, and of all releases of damages agreed upon by the owners of lands damaged by the laying out of said road, and the respective towns shall pay the same for the lands located therein, as the same may be agreed upon by the commissioners or by them assessed.

Order for laying out road to be filed.

SECTION 4. The commissioners shall, within three months after the completion of the laying out, opening and establishing of said road, file in the office of the secretary of state, and with each of the clerks of the counties of Chippewa, Taylor and Lincoln, their order laying out said road.

When act to be in force.

SECTION 5. This act shall take effect and be in force as soon as the boards of supervisors of the several counties herein named shall have approved with the provisions of this act.

Approved March 13, 1876.

## CHAPTER 386.

[Published April 4, 1876.]

AN ACT to legalize the proceedings of C. J. Pardee, Albert Sharf and James Wilson, a committee of the board of supervisors, of the county of Columbia, Wisconsin, appointed at the annual session of said board for the year 1875, in altering or changing a certain territorial road in the town of West Point, in said county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The proceedings of C. J. Pardee, Albert Scharf and James Wilson, a committee of the board of supervisors, of the county of Columbia, Wisconsin, appointed for such purpose at the annual session of said board in the year 1875, in altering or changing the territorial road on the north half of section thirty-one, in township twelve north, of range eight east, in the town of West Point, in said county, are hereby legalized and declared to be valid and effectual for all purposes whatever, notwithstanding all the requirements of law may not have been complied with in making such change or alteration. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 387.

[Published March 21, 1876.]

AN ACT to appropriate a sum sufficient to pay for printing the school laws, and for binding two hundred copies of the same.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated from the general fund, out of any money not otherwise appropriated, a sum sufficient to enable the state superintendent of public instruction to carry out the provisions of section sixty-four, of chapter ten, of the revised statutes, in regard to printing the laws relating to common schools; also a sum sufficient to pay for Appropriation.

binding two hundred copies of said school laws at a cost not exceeding thirty cents per copy.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 388.

[Published March 21, 1876.]

AN ACT to appropriate to George Graham a sum of money.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to George Graham, from the general fund, out of any money not heretofore appropriated, the sum of two hundred dollars, for his services as attorney in the case of the State vs. West Wisconsin Railway Company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 389.

[Published March 20, 1876.]

AN ACT relating to the publication of local laws.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Local laws to be published at expense of localities.

SECTION 1. All laws of a local nature required to be published in local papers under the provisions of chapter one hundred and thirty-one, of the general laws of 1868, which relate to any city or village, and also city charters and amendments to charters of cities or villages, shall be published at the expense of such city or village.

Duty of secretary of state to forward copy, and clerk to

SECTION 2. It shall be the duty of the secretary of state, immediately after the publication of any such law in the official state paper, to forward a copy

thereof to the clerk of such city or village, and such clerk shall procure the local publication of the same. Procure publication.

SECTION 3. All acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed. Repeal of conflicting acts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 390.

[Published April 6, 1876.]

AN ACT to further provide against injury to life and property upon railways.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person or persons, other than railway employes, acting in the line of their duty as such, who shall take up or displace any iron rail forming a part of the track of any railroad in daily use and operation in this state, or who shall displace any switch, or remove a spike from any rail forming a portion of any such track, with intent to hinder or prevent the passage of locomotives and cars over such track, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison not more than ten years, nor less than two years, or by imprisonment in the county jail not more than one year, nor less than eight months; *provided, however*, that nothing contained in this act shall be construed as repealing or affecting any law of this state now in force, which provides for the punishment of persons who shall place obstructions upon any railway-track, or injure, break down or destroy the bridge, road-bed, or other structure of such railroad; nor shall it be construed as in any manner affecting section forty-seven, of chapter one hundred and sixty-four, of the revised statutes of 1858, it being the intention of this act to work no change in any law of this state, except such as necessarily follows from the provisions hereof. Penalty for molesting track of railroad with intent to prevent passage of trains. Present laws to remain in force.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 391.

[Published April 4, 1876.]

AN ACT to legalize the acts of the town of Stanfold, Barron county.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The acts of the town board of supervisors, of the town of Stanfold, in Barron county, so far as they relate to the establishment of the width of highways, within the limits of said town, at three rods, are hereby legalized and declared valid, and in full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 392.

[Published April 4, 1876.]

AN ACT to extend the time for settlers upon certain railroad land-grant lands to acquire title thereto.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Time for proving settlement extended.

SECTION 1. The time mentioned in section 14, chapter 126, of general laws of 1874, entitled, "An act to confer certain lands upon the North Wisconsin Railway Company, and the Chicago and Northern Pacific Air-Line Railway Company, and to execute the trusts assumed by the State of Wisconsin by its acceptance of the grants of land made by congress, by acts approved June 3, 1856, and May 5, 1864," for proving settlement and cultivation upon the lands in said section referred to, is hereby extended one year from the passage of this act.

SECTION 2. The proof of such settlement and cultivation as referred to in said section fourteen, may be filed with the commissioners of school and university lands, and such proof may be made by affidavit, which shall be *prima facie* evidence of the facts therein stated. Proof of settlement to be filed.

SECTION 3. It is hereby declared to be the true intent and meaning of said section fourteen, that any party entitled to land under said section may acquire land, not exceeding a quarter section. Meaning of act.

SECTION 4. This act shall take effect on and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 393.

AN ACT to authorize the Columbus Union Fair Agricultural Society to file reports, and for other purposes.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The Columbus Union Fair Agricultural Society are hereby authorized to file with the secretary of state their annual report and make any and all reports required of them under the laws of this state in relation to their annual fair for 1875, and their reports are hereby declared to have the same force and effect as though made at the time required by law. Report may be made without reference to time.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 394.

[Published April 4, 1876.]

AN ACT relating to the issue of state warrants upon the requisition of the executives of other states.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Fees for requisitions.

SECTION 1. The applicant for any state warrant upon the requisition of the governor of any other state or territory, upon the executive of this state, shall pay into the state treasury the same fee for the issue or ensealing of the said warrant, as is charged for a like warrant in the state from which such requisition is made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 395.

[Published April 4, 1876.]

AN ACT relating to hawkers and peddlers, and amendatory of chapter seventy-two, of the laws of 1870.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter seventy-two of the laws of 1870, is hereby amended by inserting after the words "any goods, wares or merchandise," the words "or farmers' produce," so that said section one, when amended, shall read as follows: No person shall be allowed to travel from place to place, within this state for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise or farmer' produce, unless he shall have obtained a license as hawker and peddler in the manner hereinafter provided.

Persons traveling with goods to procure license.

Amended.

SECTION 2. Section seven of said chapter seventy-two, is hereby amended by inserting after the words "be found traveling or trading," the words "in the manner indicated in section one," and add to said

section seven the following words: "And it is further enacted, that one-half of the fine received in any such cases under this act shall go to the prosecutor," so that said section seven, when amended, shall read as follows: Every person who shall be found traveling or trading in the manner indicated in section one, or selling or offering to sell any patent-right or territory for sale, use or manufacture of patent-rights or articles within this state, contrary to the provisions of this chapter, contrary to the terms of any license that may have been granted to him as a hawker and peddler, patent-right dealer or public showman, shall, for each offense, be fined in a sum not exceeding fifty dollars, nor less than twenty dollars, and costs of prosecution, and in default of such payment, may be committed to the county jail for a period not exceeding three months.

Penalty for peddling without license.

SECTION 3. Section fourteen, of said chapter seventy-two, is hereby amended by inserting after the words, "to prevent any," the word "farmer," and also insert after the words, "his own work or production," the words, "either by himself or by one of his family, or any employe," and strike out the words, "having a legal residence in this state," and also strike out the words, "manufactured or grown in this state," and also strike out the words, "who is a citizen of this state," so that said section 14, when amended, shall read as follows: Section 14. Nothing contained in this chapter shall be so construed as to prevent any farmer, manufacturer, mechanic or nurseryman from selling his work or production, either by himself or by one of his family, or any employe, in any manner, without license, nor shall any patent-right dealer be required to take out a license to sell his own invention, nor shall any person traveling on foot canvassing for or selling books, pamphlets, papers or maps be required to take out the license in this chapter provided.

Amended.

Who may sell goods, etc. without license.

SECTION 4. Section sixteen, of said chapter seventy-two, is hereby amended by adding thereto the following words; "and every special treasury agent appointed under the provisions of this act, shall, before entering upon the discharge of his duties as such, execute to the treasury agent a bond with sufficient sureties and in such a sum as the treasury agent may think proper," so that said section sixteen, when amended, shall read as follows: Section 16. Every special treasury agent appointed under the provisions of this act, shall, before entering upon the discharge

Amended.

Special treasury agents to take oath and give bonds.

## CHAPTER 398.

[Published April 7, 1876.]

AN ACT to change the time for holding the circuit court in Grant county, in the Fifth circuit, and to fix the days of commencement of the terms of the circuit court of the Fifth judicial circuit.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

When terms in various counties shall be held.

SECTION 1. The general term of the circuit court of the Fifth judicial circuit shall be held in the county of Grant on the first Tuesday in February and the second Tuesday in September in each year; in the county of Iowa on the fourth Tuesday in March and the first Tuesday in October in each year; in the county of La Fayette on the fourth Tuesday in June and the first Tuesday in December in each year; in the county of Richland on the second Tuesday in April and the fourth Tuesday in October in each year; in the county of Crawford on the fourth Tuesday in May and second Tuesday in November in each year; and all writs, notices, motions, orders, services, processes, proceedings and recognizances, commenced, made or entered into, in or from said court or for said counties, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable on the days above mentioned.

SECTION 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 399.

[Published April 6, 1876.]

AN ACT to facilitate the driving of logs down the rivers of this state and their tributaries.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Incorporated companies may improve rivers

SECTION 1. All incorporated companies organized or which shall hereafter organize under chapter one hun-

dred and forty-four, of the general laws of Wisconsin for the year 1872, and the acts amendatory thereof, for the purpose of driving, sorting and delivering logs on the rivers of this state, and their tributaries, and for the improvement of such rivers and tributaries for such purpose, their successors and assigns, are hereby authorized and empowered to improve any of such rivers and tributaries, or any part thereof, by clearing and straightening the channels thereof, closing sloughs, erecting sluce ways, booms of all kinds, necessary side, rolling and flooding dams, or otherwise; *provided, however*, that such works of improvement shall not materially obstruct or impede navigation upon such rivers or tributaries. And in case any such company shall make such works of improvement, and shall keep in repair and operate the same so as to render the floating and driving of logs down any of such rivers and tributaries practicable and reasonably certain, it shall be entitled to have, receive and collect reasonable tolls for the use and enjoyment of such improvements, to be established and regulated by the directors of such company, subject, however, to the alteration and revision of the legislature of this state.

and collect tolls on same.

SECTION 2. In case it shall be necessary to take, flow or injure any lands and property in the construction of the works of improvement hereby authorized, the companies making such works, their successors and assigns, shall be subject to all of the provisions, and entitled to all the benefits, of chapter fifty-six of the revised statutes of Wisconsin, entitled, "Of mills and mill-dams," and of the acts of the legislature amendatory thereof.

How overflow or injury of land to be settled.

SECTION 3. It shall be lawful for the companies making such works of improvement, their successors and assigns, to take possession of all logs put into such rivers or tributaries, to be floated down the same, of which the owners or the agents of the owners shall not have made adequate provisions for driving by furnishing all necessary tools, men, teams, equipments and provisions for breaking rollways at the proper time, or making in due time a thorough drive of such logs down such rivers or tributaries so improved, without hindering the main drives, and to drive the same down and out of such rivers and tributaries and sort and hold the same, and shall receive and collect therefor the actual costs and expenses incurred therefor and incident thereto.

When owners of logs fail to drive same in proper manner, company making improvement may take possession of and drive.

Tolls to be lien on logs.

SECTION 4. For the tolls and the amount of costs and expense as herein provided, such companies shall have a lien on the logs for which the same were incurred, and may inforce the same by seizure of the whole or any part thereof at any time and from whomsoever may have possession thereof, and by a sale of so much thereof as shall be necessary to pay the amount of such lien upon giving ten days notice as provided by law for giving notices on sales of personal property on execution or justices' judgment, or may enforce such lien in the same manner as if [is] provided for the enforcement of liens.

Dam or other obstruction not to be made below head of steamboat navigation.

SECTION 5. Nothing contained in this act shall be construed as authorizing the construction of any dam across any river in this state below the first natural impassible barrier to steamboat navigation, existing above its mouth, or of any works which will materially obstruct the navigation of such portions of any such river, or as authorizing the obstruction in any manner of any slough in any such portion of any river, unless said company, their successors or assigns, shall own the entire shores on both sides of such sloughs, or have the written consent thereto of the owners thereof.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 400.

[Published April 4, 1876.]

AN ACT to authorize the governor to purchase the cabinet and library of the late Increase A. Lapham.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Governor authorized to purchase cabinet and library.

SECTION 1. The governor is hereby authorized and directed to procure by purchase the cabinet and library of the late Increase A. Lapham; *provided*, that the cost of the same shall not exceed the sum of ten thousand dollars.

Cabinet and library to be placed in state university.

SECTION 2. In case of the purchase of said cabinet and library, the governor shall cause the same to be placed and kept in the State University.

SECTION 3. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of ten thousand dollars. Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 401.

[Published March 21, 1876.]

AN ACT to appropriate to Atwood & Culver a sum of money therein named.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Atwood & Culver, out of any moneys in the state treasury not otherwise appropriated, the sum of one hundred and thirty-three 35-100 dollars, in full payment for the binding of the railroad commissioners report of 1875, in cloth, the same being the principal sum of $126, and $7.35 for interest on the same at seven per cent. per annum, for ten months. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 402.

[Published March 23, 1876.]

AN ACT to appropriate money for the purchase of stationery for the use of the state.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any stationery shall be furnished to the state under the provisions of the contract provided for by section one (1), of chapter two hundred and eleven (211), of the laws of 1874, an Superintendent of public property to file bill of stationery in office of secretary of state.

itemized bill of the same shall be filed by the state superintendent of public property in the office of the secretary of state, and upon the filing of such itemized bill, the secretary of state shall draw his warrant upon the state treasurer for the amount of the same in favor of the person from whom the purchase is made.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the treasury, belonging to the general fund, not otherwise appropriated, a sum sufficient to purchase the stationery necessary for the use of the state officers and the legislature for the ensuing year; *provided, however*, that in no case shall the amount hereby appropriated exceed the sum of seven thousand five hundred dollars ($7,500).

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 403.

[Published April 4, 1876.]

AN ACT to provide for the numbering consecutively of instruments or writings offered for record or to be filed in the office of register of deeds.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Registers of deeds to make estimate of number of instruments in his office.

SECTION 1. Every register of deeds shall, within three months from the passage and publication of this act, make an approximate estimate of the total number of instruments or writings on record or on file in his office. He shall then add to that number a number sufficient to make the sum of the two numbers, beyond all doubt, greater than the total number of instruments or writings on record or file in his office, which said number thus obtained (viz: the sum of the two numbers above mentioned), shall be used as shall be provided for by section two of this act, for commencing the numbering of instruments and writings offered for record or to be filed in the office of register of deeds.

Instruments recorded to be numbered consecutively.

SECTION 2. As soon as the register of deeds shall have ascertained the number which, in accordance

with section one of this act, it is his duty to ascertain, he shall affix the said number to the first instrument, which shall be offered for record or file. He shall affix the said numbers plainly upon the top of the back of the said instrument when folded, and shall affix it immediately upon the receipt of said instrument or writing, and he shall in like manner affix to each instrument or writing thereafter presented for record or file a number consecutive to the number affixed to the last instrument.

When two or more instruments received at the same time.

SECTION 3. Whenever the time of reception of two or more instruments shall be the same, the register of deeds shall designate, upon the instrument and in the indexes, by a co-efficient letter, thus: 169 A, 170 B, 171 C, etc., that the instruments thus numbered and designated were received for record at the same time.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 404.

[Published April 20 1876.]

AN ACT to amend certain sections of chapter thirteen, of the revised statutes, entitled, of "Of county and county officers."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Form of general index to be kept by register of deeds.

SECTION 1. Section one hundred and forty-two, of chapter thirteen, of the revised statutes, is hereby amended so as to read as follows: Every register of deeds shall keep a general index, each page of which shall be divided into nine colums, with heads to the respective columns as follows, to-wit:

| Number of instrument. | Time of reception. | Name of grantor. | Name of grantee. | Description of land. |
|---|---|---|---|---|
| | Name of instrument. | Vol. and page where recorded. | To whom delivered. | Fees received. |

Amended.

SECTION 2. Section one hundred and forty-four of chapter thirteen, of the revised statutes, is hereby amended so as to read as follows: He shall keep an index of all records or files kept in his office showing the number of the instrument or writing consecutively, the kind of instrument and where the same is recorded or filed, thus:

Form of index of records and files.

| Number of instrument. | Kind of instrument. | Where recorded or filed. | | |
|---|---|---|---|---|
| | | Vol. | Page. | Letters of file. |

Record of number of instrument and name of grantee to be kept.

and he shall keep another index showing the number of the instrument and the name of the grantees in each instrument or writing in alphabetical order and the names of the grantors and the volume and page where the same is recorded, and the name of the instrument or writing.

SECTION 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 405.

[Published April 6, 1876.]

AN ACT to amend sections four and five, of chapter 164, of the private and local laws of 1870, entitled, "An act to amend chapter 452, of the private and local laws of 1869, entitled, 'An act to incorporate the Nimakogan and Totogatic Dam Company.'"

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section four, of chapter 164, of the private and local laws of 1870, entitled, "An act to amend chapter 452, of the private and local laws of 1869, entitled, 'An act to incorporate the Nimakogan

and Totogatic Dam Company,' " is hereby amended, by striking out the words, "and also two additional dams across the Nimakogan river, one at such point on section 35, town 41, range 10, as shall be deemed necessary, and the other," and insert instead thereof, the following: "and also one additional dam across the Nimakogan river," so that said section when so amended, shall read as follows: "Section 4. Section 11, of said act, is hereby amended so as to read as follows: Said company is hereby authorized and empowered to construct a dam or dams across the Nimakogan river at such point or points as shall be necessary, in town 43, range 6 west, and across the Totogatic river at such point as shall be deemed necessary in town 42 or 43, range 12 west, and across the Eau Claire river at such point as shall be deemed necessary in town 44, range 10 west, and across the St. Croix river at such point as shall be deemed necessary between the mouth of the Eau Claire river, and the mouth of the Moose river, and across the yellow river at four several points thereon, to-wit: One at such point in town 40, range 16 west, as shall be deemed necessary; another at such point in town 39, range 14 west, as shall be deemed necessary; another at such point in town 38, range 13 west, as shall be deemed necessary; and another at such point in town 39, range 12 west, as shall be deemed necessary; and across the Clam river at such point as shall be deemed necessary in town 39, range 16 west, and also one additional dam across the Nimakogan river, at such point on section 6, town 41, range 8, as shall be deemed necessary, for the purpose of driving logs and other timber on said rivers, and to keep up and maintain said dams for the term of fifteen years; *provided*, said company shall keep the gates and sluice-ways of each and all of its said dams, except the said dam on the Eau Claire river and the dam on the Nimakogan, in town 43, range 6, open from the 20th day of July until the 15th day of October of each year, so as to allow the free and unobstructed passage of the waters of each of said rivers through the same, as fully and completely as though said dams and each of them had not been erected; and it shall be unlawful for said company to dam up or obstruct the free passage of the waters of either of said rivers, except the Eau Claire and the Nimakogan, during either of said months; and in case of a violation of the provisions of this section, the person so offending shall be liable to pay a penalty of one hun-

**Authority to construct dams**

**Where dams to be located.**

**Dams not to obstruct river.**

dred dollars, to be recovered in an action in the name of the state, for each day during which the free passage of the waters of either of the said rivers shall be so obstructed; and for any violation of the provisions of this section by said company, this charter may be annulled and declared forfeited by an action of quo warranto.

SECTION 2. Section 5, of said chapter 164, is hereby amended by striking out the words, "on section 35, town 41, range 10 west," so that said section, when thus amended, shall read as follows: Section 5. Section 13, of said act, is hereby amended so as to read as follows: "Said company shall permit the owner or owners of a majority of all the logs and timber to be sluiced through or driven by means of said dams, or either of them, as his, her or their agent, then driving the same down the said rivers, or either of them, or any of their tributaries, above or below either of said dams, to use either of said dams and the water therein for sluicing or driving his, her or their logs or timber; *provided*, that before any such owner or owners of logs or timber, or his, her or their agents shall be permitted to use either of said dams or the water therein, as aforesaid, he, she or they shall give to the said superintendent written notice of such intention to use either of said dams for such purpose, three days prior to the time of using the same. And the said company may and are hereby authorized to demand, receive, levy, sue for, recover and collect from the owner or owners of such logs or timber, toll for such use of said dam at and after the following rates, to-wit: On the Nimakogan river, all logs or timber, sluiced through the dam herein first provided for, twenty-five cents per thousand feet, board measure, and three cents additional per thousand feet board measure for all logs or timber sluiced through either of the dams on said Nimakogan river to be constructed, on section 6, town 41, range 8; for all logs or timber coming into said river at any point between the first mentioned dam on said Nimakogan river, and where the range line between ranges 11 and 12 crosses said Nimakogan river, twenty cents per thousand feet, board measure, for all logs or timber coming into said river, at any point between said range line and the mouth of the Totogatic river, ten cents per thousand feet, board measure. On the Totogatic river, all logs or timber sluiced through the

Owners of logs and timber permitted to use dams.

Rates of toll,

dam or coming into said river at any point above where the range line between ranges 10 and 11 crosses said Totogatic river, twenty cents per thousand feet, board measure; for all logs or timber coming into said river at any point between said last mentioned range line and where the range line between ranges 12 and 13 crosses said river, fifteen cents per thousand feet, board measure. On the Eau Claire river, all logs or timber sluiced through the dam or driven by means of the waters accumulated thereby, twenty cents per thousand feet, board measure. On the Yellow river, all logs and timber sluiced through either of the dams to be built thereon, ten cents per thousand feet, board measure, for each of the dams through which they are so sluiced. On the Clam river, all logs or timber sluiced through the dams to be built thereon, twenty-five cents per thousand feet, board measure. On St. Croix river, all logs or timber driven by the waters accumulated by the dam thereon to be built, which come into said St. Croix river above where the range line between ranges 13 and 14, twenty cents per thousand feet, board measure; and all logs and timber coming into said St. Croix river between said range line and above the mouth of the Yellow river, fifteen cents per thousand feet, board measure, and the same shall be and remain a lien upon such logs and timber until the same shall be paid, and the said company shall be entitled to the possession of said logs and timber at any and all times after the same shall have passed through or shall have been driven by the waters accumulated by either of said dams, until the said toll shall be paid as aforesaid.

**Toll to be lien on logs and timber.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

## CHAPTER 406.

[Published April 1, 1876.]

AN ACT to amend chapter 164, of the private and local laws of 1858, entitled, "An act to incorporate the village of Whitewater," approved April 24, 1858, and chapter 589, of the private and local laws of 1867, approved April 11, 1869.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Elections.

SECTION 1. Section 7, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: Section 7. At all elections held under this act all polls shall be opened at one o'clock p. m. and continue open until six o'clock p. m., and the trustees, or any two of them, and the clerk of said village, shall constitute the board of election.

Amended.

Abatement of nuisances.

SECTION 2. Subdivision 2, of section 17, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: "2d. To prevent, abate and remove all nuisances under the ordinances made in pursuance of this charter, the laws of this state, or at common law, and to take such measures for the public health and the general good of the citizens within the limits of the said village as they may deem proper, and to compel the owner or occupant of any place where spirituous, vinous or fermented liquors are manufactured, sold, or given away contrary to law, to the provisions of this charter, or the ordinances made in pursuance thereof, or contrary to any law of this state, to close up, remove or abate the same as a public nuisance, and to compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap-factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants of said village, and to punish the authors of any such nuisance as is described in this subdivision, by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and to authorize and direct the summary abatement thereof, but nothing in this act shall be so construed as to oust any court of its jurisdiction, to abate and remove nuisances in the streets or any other part of the village, by indictment, information or otherwise."

SECTION 3. Subdivision 15, of section 17, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: "15th. To restrain and prevent obscenity in the streets or other public places in said village, and to provide for arresting and removing and punishing any person or persons who may be guilty of the same, to prevent and restrain drunkenness and persons intoxicated in any public place in said village, or in the streets or highways therein, and to cause any such person or persons so found intoxicated in any public place, or in the streets or highways in said village, to be arrested and brought before some justice of the peace, therein to be dealt with according to law, and punished either by fine or imprisonment in the county jail, or both, and to provide for any such person being kept in some jail, lock-up or other safe and convenient place, if necessary, until such person shall answer on oath correctly where, when and of whom he obtained the liquor so intoxicating him or her, and what particular kind of liquor it was.

Amended.

Prevention of obscenity, drunkenness and disorderly conduct.

SECTION 4. Section 2, of chapter 589, of the private and local laws of 1867, is hereby amended so as to read as follows: Section 2. The 19th subdivision of section 17, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: "19th. To have the exclusive power within the limits of the village of Whitewater to grant licenses for selling spirituous, vinous or fermented liquors, and to revoke any license so granted for the violation, by the person or persons to whom the said license was granted, of any law of this state, or for the violation of any ordinance of said village. The sum to be paid for such license shall not be less than one hundred and fifty dollars, nor more than three hundred dollars for retailing to be drank on the premises of the license, and the sum to be paid for such license for wholesaling shall not be less than forty dollars, and not more than one hundred dollars, both to be paid to the treasurer of said village, and no license so granted shall remain in force any longer than the residue of the term of office of the board granting the same. Said board shall have power to license and regulate auctioneers, taverns, groceries and victualing houses, and to revoke the same for the violation of any ordinance of said village. If any person shall vend, sell, give away, deal or traffic in any spirituous, ardent or intoxicating liquors or drinks in any quantity what-

Amended.

Granting of licenses for selling liquors.

ever, within the limits of the village of Whitewater, without first having obtained a license therefor in accordance with the general laws of this state of the board of trustees of said village, he shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished therefor by a fine of not less than ten nor more than forty dollars, besides the cost of suit, or in lieu of such fine by imprisonment in the county jail of Walworth county not to exceed sixty nor less than twenty days, and in case of punishment by fine as above provided, such person, unless the fine and costs be paid forthwith, shall be committed to said jail until such fine and costs are paid or until discharged by due course of law, and in case of any subsequent conviction of the same person the punishment shall be by fine and imprisonment in the discretion of the court.

Amended.

SECTION 5. Section 19, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: Section 19. In all actions brought to recover any penalty or forfeiture under this act, or the ordinances and by-laws made in pursuance thereof and alls prosecution for any violations of any of the provisions of this act, or any ordinance or by-law thereof, shall be brought in the name of the village of Whitewater. It shall be lawful to declare generally in debt for such penalty as forfeiture, stating the section of this act or the number of the ordinance or by-law under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions to be brought in name of village

Form of summons.

Subdivision 1. The first process shall be by a summons unless oath be made for a warrant, as in criminal cases before justices of the peace. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF WALWORTH, }
Village of Whitewater, } ss.

The State of Wisconsin to the marshal of said village:

You are hereby commanded to summon A. B., if he shall be found within said county, to appear before the undersigned, a justice of the peace in and for said county, at my office, in said village, on the —— day of ——, 18—, at —— o'clock in the —— noon, to answer to the village of Whitewater in a plea of debt, to the damage of said village two hundred dollars or under.

Given under my hand at said village, this —— day of ——, 18—.

C. D., Justice of the Peace.

How summons served and made returnable.

Such summons shall be made returnable in the same time and served in the same manner and by the same officers as is now or hereafter may be prescribed by the laws of this state for the commencement of action before justices of the peace by summons, and in all proceedings in the action except as hereinafter provided, shall be governed by the laws of this state relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

The village of Whitewater,
against
A —— B ——, } Before C. D. Justice.

Form of complaint.

The plaintiff complains against the defendant for that the defendant on the —— day of ——, 18—, at the village of Whitewater did violate, (section —— of this act, or ordinance or by-law, number —— of said vlllage) which said ordinance or by-law is now in force. By reason of such violation an action hath accrued to said village to recover of the defendant the sum of —— dollars debt, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

C. D. Att'y for Plft.

Form of complaint when oath is made for warrant.

Subdivision 2. In all cases where oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

COUNTY OF WALWORTH, }
Village of Whitewater, } ss.

Before C. D., Justice.

—— ——, being duly sworn, doth on oath depose and say that A. B. did, on the —— day of ——, 18—, at the village of Whitewater, in said county, violate (section —— of this act, ordinance or by-law, number ——, of said village), which said —— —— is now in force, as the deponent verily believes, and prays that the said A. B. may be arrested and held to answer the said village of Whitewater therefor.

Subscribed and sworn to before me this —— day of —— 18—. —— ——,
—— ——.

It shall be sufficient to give the number of the section of chapter 164, or the number of the ordinance or by-law violated in the foregoing form of complaint, which may be sworn to before any officer authorized to administer oaths. Upon filing said complaint with the justice of peace, he shall issue a warant substantially in the following form:

COUNTY OF WALWORTH, }
Village of Whitewater, } ss.

The State of Wisconsin, to the marshall of said village greeting:

Form of warrant.

Whereas, —— —— has this day complained to me in writing, on oath, that A. B. did, on the —— day of ——, 18—, at said village, in said county, violate section —— of this act or ordinance, or by-law number ——, of said village, which said —— is now in force, as the said complainant believes. Therefore, you are commanded to arrest the body of the said A. B. and bring him before me forthwith to answer to the village of Whitewater on the complaint aforesaid.

C. D., Justice of the Peace.

When case adjourned, defendant to give security for appearance.

Upon the return of the warrant the justice shall proceed summarily with the case unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court for his, her or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Walworth county. The complaint made as aforesaid, shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter not embraced in the action. Said warrant shall be served and returned in the same manner as warrants are served and returned under the general laws of this state, and may be served by the sheriff or any constable of Walworth county, or by the marshal of said village.

Service and return of warrant

Witnesses and jurors to attend without prepayment of fees.

SECTION 3. Witnesses and jurors shall attend before the justice issuing such warrant or summons in all village or criminal suits without the payment of

the fees allowed by law in advance or tender thereof upon process duly served and in default thereof, their attendance may be compelled by attachment as in other cases. In village prosecutions no jury shall be allowed either party and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture set forth in the act, ordinance or by-law referred to in the complaint in said action, for the violation of which the defendant or defendants shall have been adjudged guilty, and for costs of suit, but if not so found guilty the costs of suit shall be taxed againt the village. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort in case the action was commenced by summons, or a commitment in case the action was commenced by a warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed three months, and shall also insert such time in the execution or commitment. Such execution may be in the following form:

When pay not to be allowed.

COUNTY OF WALWORTH, }
Village of Whitewater. } ss.

To the sheriff or any constable of said county, or to the marshal of the village of Whitewater and to the keeper of the common jail of the said county, Greeting:

Form of execution.

Whereas, the village of Whitewater did on the —— day of ——, 18—, recover judgment before the undersigned justice of the peace in and for said village, against ——, for the sum of —— dollars, together with —— dollars and —— cents costs of suit, for the violation of (section ——, of the charter of said village of Whitewater, or ordinance or by-law of said village of Whitewater number ——), you are hereby commanded to levy distress of the goods and chattles of the said ——, excepting as the law exempts, and make sale thereof according to law to the amount of said sums together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ——and him convey and deliver to the common jail in Walworth coun-

ty, and said keeper is hereby commanded to receive, keep in custody in said jail, the said —— —— for the term ——, unless the said judgment together with all costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

Justice of Peace.

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeal to circuit court.

Subdivision 4. In any case where the judgment or fine imposed, exclusive of costs, is twenty-five dollars or more, the defendant may appeal from such judgment to the circuit court of Walworth county; *provided*, such defendant within twenty-four hours of the rendition of such judgment enter into a recognizance with one or more sufficient sureties to be approved by such justice conditioned to appear before said court at the next succeeding term thereof, and to abide the judgment of the court therein. The justice from whose judgment an appeal shall be made shall make a special return of the proceedings had before him, and shall within ten days after the appeal is so taken, cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action with the recognizance, to be filed in the office of the clerk of said circuit court, and the village of Whitewater may appeal from any such judgment as in other cases before justices of the peace. Said appeal shall stand for trial by jury in the circuit court unless a jury be waived in the manner provided by law. No notice of trial in the circuit court shall be required to be given to or by either party. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided for by the act, ordinance or by-law, for the violation of which the defendant was prosecuted, and enter judgment against him or them and his or their sureties for such penalty, together with the costs in both courts, and enforce the same by executions as in actions of tort.

Power of court to sentence to imprisonment.

Subdivision 5. In all cases where a defendant shall be convicted of any violation of any of the provisions of this act or any ordinance or by-law of the village of Whitewater, the court before whom the same was tried shall have power to sentence the defendant to

such term of imprisonment in the common jail of Walworth county as the act, ordinance or by-law prescribed, not exceeding three months.

SECTION 6. Section 21, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: "Section 21. Any ordinance, regulation, rule or by-law imposing any fine, penalty or forfeiture for the violation of its provisions shall be published for two weeks in some newspaper printed in said village before the same shall be in force, and proof of such publication may be made by the affidavit of any person knowing the fact, and a printed copy of any such ordinance, regulation, rule or by-law adopted by the board of trustees of said village, and published in a newspaper or pamphlet or book-form, purporting to be published by authority of the said board of trustees of said village, shall be *prima facie* evidence of its due adoption and publication, and shall be received in evidence in all cases cognizable before any court of this state.

Amended.

Publication of ordinances, etc.

SECTION 7. Section 23, of chapter 164, of the private and local laws of 1858, is hereby amended so as to read as follows: "Section 23. The trustees shall have power to appoint one street commissioner, and to lay out, open and repair, grade, pave, or otherwise improve streets, avenues, lanes, alleys, sewers and sidewalks and crosswalks, to insure the public property of the village, to direct in the prosecution and defense of suits in which said village may be a party, to procure the necessary blank books for records, and such other stationery as may be required for village purposes, to audit and allow all lawful accounts against said village, and to draw an order on the treasurer for the payment of the same, to fix the compensation of the clerk, treasurer, marshal and street commissioner, which compensation shall not be greater than town officers are allowed by law for the same or like services, to levy and collect taxes on all such property as shall be subject to town and county taxes within the limits of thesaid village corporation, which shall not exceed in amount one-eighth of one per centum of the assessed value of all real and personal property so liable in any one year, unless a majority of the electors voting at a meeting legally called for that purpose, notice of which and of the sum to be raised, and of the object for which it is to be raised and expended, shall have been given fifteen days previously, shall vote to allow a larger sum to be raised, but in no case shall the elec-

Amended.

Appointment of street commissioner and laying out and improvement of streets, public grounds, etc

tors be allowed to raise by vote more than one-half of one per centum on the assessed valuation of all the real and personal property liable thereto in the village limits. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Amended.

SECTION 8. Section 43, of chapter 164, of the private and local laws of 1850, is hereby re-enacted so as to read as follows: Section 43. No general law of this state contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, except such purpose be expressly set forth in such law.

Act not to be affected by general laws.

SECTION 9. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 407.

[Published April 4, 1876.]

AN ACT to amend section two, chapter eighty-nine of the general laws of 1872, entitled, "An act for locating and changing county seats."

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two, of chapter eighty-nine, of the general laws of 1872, is hereby amended so as to read as follows: Whenever one-third of the legal voters of any county (to be determined by the county board from the poll-lists of the last previous general election held in such county, the names of which voters shall each appear on some one of the poll-lists of said election) shall present to the board of supervisors a petition signed by them, asking a change of

When board of supervisors may submit removal of county seat to vote of county.

the county seat to some other place, such place to be designated in such petition, such board of supervisors may, in its discretion, submit the question of removal of the county seat to a vote of the qualified voters of the county in the manner hereinafter provided. Such election shall be held only on the day of the general election for state and county officers, and shall be conducted and the votes canvassed, certified and recorded, in the same manner as other votes at such election, and none but citizens entitled to vote at such general election shall be entitled to vote on the question of the change of such county seat. At such election those voting for the change of the county seat, shall deposit a ballot in a separate box to be provided for that purpose, containing the words, "For the change of the county seat," and those voting against such change shall deposit a ballot containing the words, "Against the change of the county seat." If a majority of all the votes cast at such election on that subject shall be in favor of the proposed change, it shall be the duty of the chairman of the board of supervisors to certify the same with the attestation of the county clerk, to the governor, who shall thereupon issue his proclamation to that effect, and cause the same to be published in the official state paper, and from the date of such publication, the place so designated shall be the county seat of such county; but if a majority of such [votes] shall be against such removal, then it shall not be lawful for the board of supervisors to again submit the question of removal to the same point at any time within five years; four weeks previous notice of such election shall be given by the county clerk by publishing the same once a week for four weeks, in all the newspapers published in such county, or if there be no newspapers published in such county then a written or printed notice [shall be posted] in two conspicuous places in each town in the county at least four weeks previous to such election.

When election to be held and how conducted

When question carried, governor to issue proclamation.

When question lost, not to be submitted again within five years.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

## CHAPTER 408.

AN ACT to amend an act entitled, "An act to incorporate the Family Protective Association, of Milwaukee," approved March 11, 1869.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter four hundred and sixty-seven, of the private and local laws of the year 1869, entitled, "An act to incorporate the Family Protective Association, of Milwaukee," is hereby amended so as to read as follows, to-wit: Section one. John Trandt, John Lochemes, John Fellenz, Joseph Baldauf, William Kaspar, Peter Schuemmels, Anton Koch, B. Krimmer, and William Harks, and such other persons as have and may hereafter become associated with them, are hereby constituted a body politic and corporate, located in the city of Milwaukee, and known under the name of the Family Protective Association, of Milwaukee, for the purpose of affording help and relief to the families of their members in case of death, and for aiding said society in obtaining funds to maintain and perpetuate said society.

Names of corporators.

General powers of corporation.

SECTION 2. The said society shall have power to contract and to be contracted with, to sue and be sued, to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended, in all courts of law and equity in the state, and shall have perpetual succession, and be vested with all powers and privileges necessary to carry out and fulfill the object of their corporation.

Constitution and by-laws.

SECTION 3. This corporation shall have further power to establish for its government a constitution and by-laws not inconsistent with the constitution and laws of this state, to have and use a common seal, and to alter the same at pleasure, and to take by gift, grant or devise, and hold and convey real and personal property not exceeding in value one hundred thousand dollars.

May hold property.

Power of corporation to elect officers and prescribe their duties.

SECTION 4. The said corporation shall have power to elect such officers as they shall deem necessary, who shall hold their several offices for the time that may be prescribed by the constitution and by-laws thereof, and until their successors shall be duly elected and qualified; to prescribe their powers and duties, and may require bonds for the faithful performance

thereof, in such penal sum and with such sureties as they may choose.

SECTION 5. The officers of this corporation shall be and constitute a board of trustees, in whom shall be vested the control and disposal of the funds, property and estate, and the direction and management of all the concerns of said corporation, under such directions as may be imposed by the rules and regulations thereof.

Board of trustees.

SECTION 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said association, and all the real and personal estate which may hereafter be lawfully conveyed by devise, gift, grant, purchase, or otherwise, to said association, shall descend, with improvements, in perpetual succession.

To what purposes property to be devoted.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 409.

[Published April 4, 1876.]

AN ACT to authorize the governor to appoint commissioners to investigate the claim of Nelson McNeal against the state, and to report to the next legislature.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor is hereby authorized to appoint a commission, consisting of not less than three nor more than five members, whose duty it shall be to hear the proofs for and against the claim of Nelson McNeal against the State of Wisconsin, growing out of the construction, by said McNeal, of certain buildings for the hospital for the insane at Madison, and report to the next legislature the testimony taken, with their opinion thereon, as to whether, according to equity and good conscience, any sum should be allowed by the state to said McNeal, and if so, how much, the said report not to be considered as an award, binding, in any sense, on the state, but simply as a basis for the action of the legislature; *provided*, that it shall be the duty of the attorney-general, on

Appointment of commission to investigate claim.

behalf of the state, to attend all meetings of the board of commissioners so to be appointed, and to appear on behalf of the state at all examinations or other proceedings which may be had or take place before said board.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 11, 1876.

---

## CHAPTER 410.

[Published April 4, 1876.]

AN ACT to authorize the judge of the Fifth judicial circuit to employ a short-hand reporter.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Appointment of phonographic reporters.

SECTION 1. It shall be lawful for the judge of the circuit court for the Fifth judicial circuit of this state, to appoint one or more phonographic reporters for the circuit court in and for the counties of said district.

Qualification and duties of reporters.

SECTION 2. Said reporters shall be sworn officers of said court and skilled in the art of short-hand reporting, one of whom shall attend upon the term of said court when requested by the judge thereof so to do, and shall discharge such duties as the court thereof shall require.

Compensation of reporters.

SECTION 3. The reporters shall be allowed such daily compensation as shall be fixed by the court, not exceeding seven dollars per day, for each day's actual attendance upon said court, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court; *provided*, but one such reporter shall be employed at the same time.

Duty of reporters to furnish transcripts of evidence, and fees for same.

SECTION 4. It shall be the duty of such reporter, upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence on the trial of which shall have been taken by them to make and furnish transcripts of such evidence so taken by them, or any other proceedings had in such trial, to such party or his attorney, for which transcripts so

furnished, such reporter shall be entitled to charge and receive from the party requiring such transcript to be made, ten cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified and audited and paid for in the same manner as the per diem compensation of such reporter, and in such case the reporter's notes shall be written out in full and filed with the clerk of the court.

Removal of reporters.

SECTION 5. The judge of said court may, in his discretion, remove such reporter, or any of them, and may fill any vacancy caused by such removal or any other cause.

SECTION 6. This act shall take effect from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 411.

[Published April 7, 1876.]

AN ACT to provide for the incorporation of religious societies.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Organization of religious societies.

SECTION 1. The male members who are of full age, of any Christian or Hebrew Church, which has been or may be organized in any town, village or city of this state, and which at the time maintains regular public worship, not less than three in number, may, after due public notice, organize a religious society for religious, charitable and educational purposes, and may incorporate the same in the manner hereinafter provided.

Certificate of organization to be made and recorded.

Section 2. A certificate or statement of such organization may be signed and acknowledged before some officer authorized by law to take the acknowledgment of deeds in the county where such society is organized, and shall be recorded in the office of the register of deeds of such county, in a book to be kept by him for such purpose, which certificate shall be, in substance, of the following form:

Form of certificate.

Know all men by these presents: that the undersigned (insert the names of signers), and those who are, or

may become associated with them for the purposes herein specified, have organized themselves into a religious society of the —— —— church (or denomination), located in (name of town, village or city), in the county of ——, and State of Wisconsin, for religious, charitable and educational purposes, which society shall be known and incorporated by the name of (insert the name.)

General powers of society.

SECTION 3. When such certificate shall have been duly recorded as aforesaid, the society named therein shall be a corporation under this act, and may make a constitution and by-laws not inconsistent with the laws of this state for the regulation and government of such society and its officers, and may fix the terms and qualifications of office and membership in such organization, and may have and use a common seal, and alter or change the same at pleasure, and by their corporate name may sue and be sued, and may take, receive, purchase, hold and use both real and personal estate for the purposes for which they have been incorporated, and may mortgage, sell and dispose of the same or any portion thereof, subject to the rules and by-laws for such cases made and provided.

May hold lands for cemetery purposes

SECTION 4. Such society may take also by purchase, gift or otherwise, and may forever hold and improve any lands intended to be used for cemetery grounds or burial places, and sections fourteen, fifteen and sixteen, of chapter sixty-seven, of the revised statutes, shall apply to all lands so heretofore or hereafter acquired for burial purposes.

Business to be managed by trustees.

SECTION 5. The secular business and temporal affairs of every such society organized and incorporated under this act, shall be managed and administered by not less than three, nor more than nine, trustees, who shall be elected in the manner and hold office for the time prescribed by the constitution and by-laws of the society.

When trustees elected may become a corporation.

SECTION 6. Whenever the established rules of any church or religious denomination provide for the election of trustees and prescribe that they shall hold the property of such church or denomination in trust, then they shall be elected in the manner and for the time prescribed by such rules, and the trustees so elected may become a corporation in the same manner as is hereinbefore provided for a society, and when so incorporated shall be subject to all the provisions of this act applicable thereto.

SECTION 7. No failure to elect trustees at the proper time, or in the proper manner, shall work the dissolution of any such corporation, and those once elected, shall hold their office as such trustees until their successors are duly elected.

Failure to elect trustees not to work dissolution of corporation.

SECTION 8. The trustees of every such church or society shall appoint a clerk or secretary, and a treasurer, with power to remove the same, and shall cause accurate record of all their proceedings, and of all business meetings of such society to be kept, and they shall be governed in their official acts by the rules of their church or denomination applicable thereto, and not inconsistent with the laws of this state and by the constitution and by-laws of the society.

Trustees to elect officers and prescribe duties of same.

SECTION 9. Any existing religious society heretofore organized under the laws of this state, may, by five or more of its male members, including in every case all the members at the time, acting as trustees thereunto duly authorized, become a corporation under this act, by making and recording the certificate provided in this act, with an additional statement in such certificate of the name by which such society and the corporation connected with it, has before that time been known and called, and that such society and corporation are re-organized under this act, but such re-organization shall not work a change of the ecclesiastical connection of any such society.

Existing religious societies may become corporations.

SECTION 10. If any such religious corporation heretofore incorporated under the laws of this state shall fail to become re-incorporated as herein provided, such corporation shall not thereby be dissolved, but shall be subject to the rules and regulations of the church or society with which it is connected and to all the provisions of this act which relate to the election and duties of trustees, and to the powers, franchises and privileges of religious corporations; and such acts and parts of acts providing for the organization, incorporation and government of religious societies as are in force at the time of the passage of this act, shall not hereafter apply to such societies except as is hereinafter provided.

Previous corporations not to be dissolved.

SECTION 11. None of the provisions of this act shall apply to or in any way affect the Protestant Episcopal church or denomination in this state, or any society or religious corporation, being or purporting to be, or may hereafter be organized and incorporated

Act not to apply to Protestant Episcopal Church.

in connection with that church or denomination.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 412.

[Published April 4, 1876.]

AN ACT to provide for the better protection of life in theaters, concert-halls, lecture-rooms and public school-houses.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to rent public building unless doors open outward.

SECTION 1. It shall not be lawful for any owner, lessee or manager of any theater, concert-hall or lecture-room, to rent the same for public use, unless the owner, lessee or manager first having all the doors of said theaters, concert-halls, or lecture-rooms made, constructed and so hinged, locked and fastened as to open outwards, so that in case of fire or panic, that a rush is made to get out, the doors may be forced open in place of being forced shut, so that it would be impossible to open them.

Penalty for violation of act.

SECTION 2. Any person who shall neglect or refuse to comply with the provisions of this act, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, for each and every offense.

How and by whom penalty may be recovered.

SECTION 3. All penalties imposed by the provisions of this act may be recovered with costs of action, by any person or persons in his or their name, before any justice of the peace in any city, village or town in the county where any offense, under this act, may be committed, or where the party neglecting or refusing to comply with the provisions of this act, may reside or be found, and any justice of the peace shall have jurisdiction to hear, try, and determine all cases which may arise under the provisions of this chapter; *provided*, the defendant shall not be deprived of a jury trial, nor of his right of appeal as in other cases.

Penalty to be placed to credit of school fund.

SECTION 4. All penalties for the violation of this act, when collected, shall be paid by the court before which such conviction shall be had, to be placed to the credit of the school fund.

SECTION 5. Any person who shall be convicted of any offense under this act, and who shall fail to pay the penalty and costs of such prosecution, shall be committed to the jail of the county in which such conviction shall be had, for a period of not less than ten days when the penalty in such case does not exceed the sum of twenty-five dollars, and for the period of one day additional for each dollar by which the amount of such penalty shall exceed in amount the sum of twenty-five dollars. Defendant to be committed on failure to pay penalty and costs.

SECTION 6. This act shall take effect and and be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 413.

[Published April 7, 1876.]

AN ACT for the protection of brook-trout in the State of Wisconsin.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person shall take by any device, contrivance or means whatsoever, any brook-trout within any of the streams, lakes or waters within this state, between the fifteenth day of September and the fifteenth day of April following in each year; and no person shall at any time take brook-trout with any net, seine, wire-basket, spear, grapple, trap or any device whatever, except hook and line, or set or use any such net or other device except hook and line to take brook-trout in any of the streams, lakes or waters within this state; and every person offending against the provisions of this act or who shall expose for sale or shall have any brook-trout in his possession or custody taken by means of any net or other device except hook and line, or which shall have been taken during the time when the taking thereof is prohibited by this act, shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and imprisonment in the county jail of not less than five days nor more than twenty days for each offense, together with costs of prosecution. Unlawful to take trout at certain times, and by any means except hook and line. Penalty for violation of act.

SECTION 2. Any sheriff, coroner, justice of the peace or constable of the proper county, shall, upon view or Power of certain officers to

arrest without warrant, and to sieze property.

information and without warrant, arrest any person offending against this act, and shall seize any brook-trout taken and any net or other device set or used contrary to the provisions of this act, and convey the same to a place of safety, and take the person or persons so offending, if they can be found, before any justice of the peace within the county, and shall make an inventory of the property so seized; and the said justice of the peace, upon complaint upon oath or affirmation of the officer apprehending such offender, or the oath of any other person, shall proceed forthwith to inquire into the truth of the accusation, and if found true, such justice shall enforce the penalty prescribed by this act.

Collections of fines. Execution to issue against property.

SECTION 3. If such offender shall fail to pay such fine as said justice of the peace shall inflict, together with costs, including the necessary expenses of the seizure and care of any property of any kind seized under the provisions of this act, the said justice of the peace shall forthwith issue an execution and deliver the same to the sheriff or any constable of the county, who shall immediately levy the said writ upon the property so seized, or a sufficient portion thereof to make the amount of such fine and costs, and shall, after giving ten days' notice of the time and place of sale by posting written or printed notices in three public places in the township, proceed to sell said property, so levied upon, to the highest bidder, for cash, and after paying the amount of such execution and accruing costs thereon, shall pay the residue of the proceeds of such property to the defendant, and take his receipt therefor; and if the proceeds of the sale of such property shall be insufficient to pay such fine and costs, the sheriff or constable having such execution shall levy upon any other property belonging to such offender, to satisfy the deficiency; and when no seizure of property of such offender has been made, the said justice of the peace may proceed in like manner to levy upon any property of such offender or offenders, to pay any fine and costs imposed for violations of this act; and whenever property shall be seized under the provisions of this act, and the offender or offenders cannot be ascertained or found, the said justice of the peace shall dispose of the said property in like manner, and after paying the costs out of the proceeds of such disposition, the remainder shall be paid, one-half to the informer and the other half into the county school fund; *provided*,

that whenever brook-trout shall be seized under the provisions of this act, the sheriff or other officer having them in custody shall forthwith sell them for the best price for cash, and dispose of the proceeds thereof the same as if an execution had issued as herein provided.

SECTION 4. All fines received under the provisions of this act shall be paid, one-half to the informer and the other half into the county school fund. To whom fines to be paid.

SECTION 5. All acts or parts of acts in conflict with this act are hereby repealed; *provided*, that nothing herein shall apply to or affect the laws of this state relating to the propagation, preserving and raising brook-trout, nor shall anything herein apply to the accidental taking of brook-trout in pound-nets set for white-fish and other large fish. Repeal of conflicting acts.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved March 13, 1876.

---

## CHAPTER 414.

[Published March 29, 1876.]

AN ACT to organize a State Board of Charities and Reform, and define their duties.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations between the state and its dependent and criminal classes may become better understood, there is hereby created a State Board of Charities and Reform. Creation of State Board of Charities and Reform.

SECTION 2. The said board shall consist of five members, who shall be appointed by the governor, and confirmed by the senate, and shall hold their office for the term of five years, and until their successors are appointed and qualified, except that at the first appointment the term of one member shall be fixed for one year, of another for two years, of another for three years, of another for four years, and of the other for five years. When any vacancy shall occur Number of board, by whom appointed, and length of term. Vacancies.

in the board by resignation, expiration of time of office, death or otherwise, the governor shall appoint a new member to fill such vacancy. All such appointees shall be confirmed by the senate.

Meetings of Board.

SECTION 3. The board shall meet at a time and place to be fixed by the governor, within thirty days after their appointment, to organize and transact such business as may be necessary to carry into effect the provisions of this act. They shall afterward meet in April, on or before the 15th day, and in January, on or before the 10th day, in each year, and they may hold such other meetings as they may decide upon.

Appointment and duties of secretary,

SECTION 4. The board shall appoint a qualified elector as secretary, whose duty it shall be to keep the books and records of the board, to prepare such papers, to make such visits, and to engage in such researches and investigations as may be required of him by the board. He shall hold his office three years, unless sooner discharged by the board.

Duty of board to investigate and supervise state institutions.

SECTION 5. It shall be the duty of the board to investigate and supervise the whole system of the charitable and correctional institutions supported by the state, or receiving aid from the state treasury, or organized under general and special acts, by personal visits to such, making themselves familiar with all matters necessary to be understood in judging of their usefulness, and of the honesty and economy of their management; and it shall be their duty to recommend such change and additional provisions as they may deem necessary for their greater economy and efficiency.

Duty of board to investigate condition of poor-houses.

SECTION 6. It shall be the further duty of the board to commence and to conduct a course of investigation into the condition of poor-houses in the state, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at what cost, under what circumstances, as to health, comfort and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands; also, how many idiotic persons are therein supported; also, how many poor children the said poor-houses contain, and what provision is made for their suitable care and education. They shall also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise, at the public expense,' outside of poor-houses, the cost at

which such support or releif is furnished; and any other important facts therewith connected. They shall also inquire to what extent the provisions of the law in regard to binding out poor children are complied with, and in general they shall seek to collect such facts as may throw light upon the adequacy and efficiency of existing provisions for the support and relief of the poor and any causes operating to increase or diminish the amount of pauperism in the state, or to place the burden of relieving it where it does not properly belong.

Duty of board to examine jails, prisons, etc.

SECTION 7. It shall be the further duty of the board to commence and conduct a course of investigation in regard to jails, city prisons, houses of correction and other places in the state, in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining by visit or otherwise their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders, and from persons suspected of crime or detained as witnesses; also whether any useful employment is furnished for prisoners, whether the insane are treated with due regard for humanity, and what efforts are put forth for the reformation of criminals; and in general, they shall endeavor to ascertain for the information of the legislature any important facts or considerations bearing upon the best treatment of criminals and the dimunition of crime.

Powers of board in examining institutions.

SECTION 8. The board shall have full power at all times to look into and and examine the condition of the institutions and establishments referred to in this act, to inquire into and examine their methods of treatment, instruction, government, and management of their inmates, the official conduct of trustees, managers, directors, superintendents, and other officers and employes of the same, the conditions of the building, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to all parts of the grounds and buildings, and to all books and papers of said institutions and establishments; and all persons now or hereafter connected with the same are hereby directed and required to give, either verbally or in writing, as the board may direct, such information, and to afford such facilities for inspection as the board may require. And the several members of the board and the secretary thereof are each hereby authorized

to administer oaths in examining any person or persons relative to any matters connected with the inquiries or investigations authorized by this act. And if any person so examined shall swear falsely on his or her examination, they or he shall be deemed guilty of perjury, and shall be punished in the manner provided in section two, of chapter 167, of the revised statutes, entitled, "Of offense against public justice."

In case board desire to have depositions taken provisions of chap. 25, G. L. 1868 to apply.

SECTION 9. In case the said board shall desire to avail themselves of the provisions of chapter 25, of the general laws of 1868, "An act to provide for taking the deposition of witnesses in certain cases," they shall place a vote to that effect upon their records, and directing their secretary to make an application to some court commissioner, justice of the peace, or other officer authorized by the laws of this state to take depositions, to be used and read in the circuit courts in this state, and upon such application it shall be the duty of such court commissioner or other officer to proceed in all respects as though the application had been made by the officers of state institutions, as provided in said chapter twenty-five, and all the provisions of said chapter twenty-five shall apply to the taking of depositions of witnesses on the application of the State Board of Charities and Reform, the same as though application was made by trustees, managers or regents of state institutions.

Fees of officers serving papers.

SECTION 10. Any officer serving papers under the provisions of this act, shall be entitled to the fees now allowed by law for similar services, to be audited and paid in the manner provided in said chapter twenty-five, for the payment of the fees of the commissioner or other officer and the fees of witnesses.

Board to make special investigation when directed by the governor.

SECTION 11. It shall be the duty of the State Board of Charities and Reform, when directed by the governor so to do, to investigate into the past or present management of any or either of the penal, correctional, reformatory or charitable state or county institutions, and they shall keep the governor advised of the progress being made in such investigation, and such reports shall from time to time be made as the governor may require; and upon the completion of such investigations, they shall report to the governor the facts of the case in full. For services thus rendered under the direction of the governor, each member of the board shall receive the sum of five dollars per day for the time actually devoted to such investigations, and accounts therefor, when approved by

Per diem of members of board.

the governer, shall be audited by the secretary of state and be paid from the state treasury.

SECTION 12. On or before the 15th day of December in each year, the board shall present to the governor a report of their proceedings and of their expenses under this act. Said report shall contain a concise statement of the condition of each of the charitable and correctional institutions supported by the state or receiving aid from the state treasury, together with their opinion of the appopriation proper to be made for each for the following year. It shall also embody the results of their investigations during the year, in regard to the support of the poor and the treatmeut of criminals, and shall also contain information, suggestions or recommendations which they may choose to present upon the matters by this act assigned to their supervision and examination. Three thousand copies of this report shall be printed by the state printer, in the same manner as those of state officers are printed, for the use of the board and of the legislature, and three hundred copies of said number shall be bound for the use of the board.

Annual report of board.

SECTION 13. All members of the board and the secretary of the board, are hereby prohibited from being interested directly or indirectly in any contract or arrangement for building, repairing, furnishing or providing any supplies of either of the institutions placed under their supervision.

Members of board or secretary not to be interested in contract with state.

SECTION 14. The members of the board shall receive no compensation for the services rendered under this act. Upon filing with the secretary of state sworn statements of the amount of the expenses actually and necessarily incurred by them in carrying out the other provisions of this act, they shall have the amount of said expenses refunded to them from the state treasury, and the secretary of state is hereby authorized and required to draw his warrant on the state treasury for the amount of expenses so incurred and proven. The secretary of the board shall receive for all services rendered by him, under this act, fifteen hundred dollars ($1,500) per annum, payable upon the warrant of the board, quarterly, from the state treasury. His actnal and neccssary expenses incurred in performing his duties, shall be refunded in the same manner as those of the members of the board. And there is hereby appropriated a sum sufficient to comply with the provisions of this act.

Members of board to receive no compensation for services. Actual expenses to be refunded.

Salary of secretary of board.

The board shall be supplied with all necessary stationery, blanks, printing, postage-stamps, stamped envelopes for their own use, in the same manner as state officers are now supplied with these articles.

Repealed.

SECTION 15. Chapter one hundred and thirty-six, of the general laws of the year 1871, and chapter one hundred and thirty-seven, of the general laws of 1872, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

---

## CHAPTER 415.

[Published April 4, 1876.]

AN ACT conferring certain powers on the city of Portage.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to appropriate money for celebrating 4th of July.

SECTION 1. The common council of the city of Portage are hereby authorized to appropriate out of any moneys belonging to the general fund of said city, a sum not exceeding one thousand dollars, for celebrating the fourth of July, 1876, in such manner as they may direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1876.

# JOINT RESOLUTIONS.

## No. 1.

JOINT RESOLUTION relative to the erection, by the United States Government, of a custom-house, post-office, and other buildings at Green Bay, Wisconsin.

*Resolved by the senate, the assembly concurring*, That the Senators and Representatives of the State of Wisconsin are requested to use all proper endeavors to procure from Congress an appropriation for the erection of suitable public buildings in the city of Green Bay, for the use of the custom-house or revenue offices there established, the post-office department, and other Federal offices and departments located in said city of Green Bay. Further

*Resolved*, That the secretary of state cause a copy of this resolution to be transmitted to each of the Senators and Representatives in Congress from this state.

Approved January 28, 1876.

## No. 2.

JOINT RESOLUTION.

WHEREAS, A bill was introduced in the United States Senate, on the 10th day of January, 1876, by Senator Sargeant, of California, entitled, "A bill to restore the lands, conditionally granted, the conditions of which have lapsed, to the public domain," which bill would include the grant of lands made to the State of Wisconsin, by acts of Congress, approved June 3, 1856, and May 5, 1864, "to aid in the construction of a railroad from the St. Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior and Bayfield;" and,

WHEREAS, Forty miles of road have been built by the company to which has been given said grant by the State of Wisconsin, in consideration thereof, and said company is preparing and proceeding to build the remainder of said road, and the passage of said United States Senate bill would work great injustice to the State of Wisconsin, to said railroad company, and especially to that part of the state through which said road is to run;

*Resolved by the senate, the assembly concurring*, That our Senators in Congress are instructed, and our Representatives therein requested, to oppose so much of said bill now pending in the United States Senate as will affect said grant of lands made to the State of Wisconsin.

Approved February 1, 1876.

---

## No. 3.

JOINT RESOLUTION instructing attorney-general to commence suit for the recovery of state money.

WHEREAS, The sum of ten thousand dollars was appropriated by the Legislature of 1873, for the use of the Wisconsin State Hospital for the Insane; and,

WHEREAS, It is rumored that said appropriation has never been placed at the disposal of the hospital; therefore,

*Resolved by the senate, the assembly concurring*, That the attorney-general be, and he is hereby instructed to commence suit immediately against the party who, in his opinion, is legally liable for the recovery of said amount.

Approved February 21, 1876.

---

## No. 4.

JOINT RESOLUTION requesting the establishment of a signal-station at Madison, Wisconsin.

WHEREAS, The signal-service of the War Department of the United States army has become of incalculable importance to the interests of commerce and agriculture; and,

WHEREAS, It is desirable that the service may be afforded more complete data for its weather-predictions, by increasing its facilities for observations; therefore, be it

*Resolved by the senate, the assembly concurring*, That Brigadier-General Albert J. Meyer, chief signal-officer of the United States army, be and is hereby earnestly and respectfully requested to establish, at the earliest period practicable, a signal-station at the University of Wisconsin, located at the city of Madison, where now are being erected ample buildings for strictly scientific purposes.

*Resolved further*, That the State Board of University Regents be requested, in the name of the State of Wisconsin, to tender to the chief signal-officer aforesaid the free use of rooms for such office in the building herein referred to, and to forward him a copy of the foregoing preamble and resolutions.

Approved February 21, 1876.

---

## No. 5.

JOINT RESOLUTION relating to a consolidated official Centennial directory of the general and several state governments of the United States of America.

WHEREAS, The year 1876, being the Centennial of American independance, in order to keep pace with the spirit of the times, and more especially with the spirit of this our Centennial year, and for the purpose of placing here a land-mark of our national progress, which shall cement more closely the ties of a national fraternity and good feeling at this particular point of time in the history of this union of independent states; therefore, be it

*Resolved by the senate, the assembly concurring*, That the congress of the United States and the legislative bodies of each of the several states of this Union be, and they are hereby invited to participate with us for the purpose of compiling a consolidated official Centennial directory of the several branches of the General Government and of the several state governments of this Union, which said consolidated directory shall contain a complete list, with their autobiographies, of the members of the executive, judicial, legislative, and the different heads of the military and naval departments of general and state governments of these United States for the year 1876.

*Resolved by the senate, the assembly concurring*, That with the concurrence of the several states, congress be and is hereby requested to compile and bind said consolidated directory in such style and form as may be deemed proper and fitting for this occasion.

*Resolved by the senate, the assembly concurring*, That the good faith of the State of Wisconsin is hereby pledged to pay to the General Government the cost of such a number of copies of

said directory as are herein designated, upon their completion and reception, viz.: One copy for each member therein recorded from this State of Wisconsin, which said copies shall be delivered to each such member by the state, and, together with one hundred copies for the use of the state, to be deposited with the State Librarian.

*Resolved by the senate, the assembly concurring*, That the Governor be and he is hereby requested, upon the passage of these resolutions, to transmit a copy of the same to the President of the Senate and the Speaker of the House of Representatives of the United States, to each of our Senators and Representatives in Congress, to the Governor of each of the several states, to the president of the senate and speaker of the house of the legislative body of each of the states of this Union, and solicit their co-operation and concurrence in the same.

Approved February 29, 1876.

---

## No 6.

JOINT RESOLUTION requesting the Governor to invite the governors of other states to unite in celebrating the completion of the Fox and Wisconsin River Canal.

*Resolved by the senate, the assembly concurring*, That the Governor be requested to invite the governors of the states of Iowa and Minnesota, and of such other states as he shall deem proper, to unite with him in calling a convention to celebrate the completion by the Government of the canal uniting the Fox and Wisconsin rivers; and to consider the importance to the whole country of the earliest completion of the entire work; and in connection with such of the governors as agree thereto, that he call a convention therefor to be held at the city of Portage, at such time as he shall designate, and with the aid of such committees as he shall appoint to make all necessary arrangements therefor; and that provision for the necessary and proper expenses attending the same be made from the Fox and Wisconsin River fund.

Approved March 6, 1876.

## No. 7.

JOINT RESOLUTION proposing an amendment to section two (2), of article eight (8), of the constitution of this state

*Resolved by the senate, the assembly concurring*, That section (2), of article (8), of the constitution of this state, be so amended as to read as follows: Section 2. No money shall be paid out of the treasury, except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state, except claims of the United States, and judgments, unless filed within six years after the claim accrued.

Approved March 9, 1876.

---

## No. 8.

JOINT RESOLUTION.

*Resolved by the assembly, the senate concurring*, That his excellency, the Governor of the State of Wisconsin, be and hereby is authorized to employ one of the bearers (while in active service) of the war eagle, "Old Abe," of the 8th Wisconsin regiment, or some other competent Wisconsin soldier, to take charge of and exhibit the same under the direction of the Board of Centennial Managers, at the Centennial Exhibition for such length of time as the said board may determine, and that the expense thereof, for that purpose, be paid out of the twenty thousand dollars appropriated to the Board of Centennial Managers, and that said eagle shall not be used in any manner for speculative purposes.

Approved March 9, 1876.

---

## No. 9.

JOINT RESOLUTION.

*Resolved by the senate, the assembly concurring*, That the State Geologist, Prof. T. C. Chamberlin, be and he is hereby authorized and requested to furnish the State Board of Centennial Managers, for exhibition at the Centennial Exposition, any maps, specimens of minerals, or collections of any kind, in his possession, belonging to the state, which the said board may desire, the same to be returned to him at the close of the Cen-

tennial Exhibition, or previous to that time should any of them be required for the geological report; *and provided*, that this shall in no way interfere with the progress of the survey.

Approved March 9, 1876.

---

## No. 10.

JOINT RESOLUTION to amend section four, of article seven, of the constitution of the State of Wisconsin, providing for the addition of two justices to the Supreme Court.

*Resolved by the senate, the assembly concurring*, That section four, of article seven, of the constitution, be amended so as to read: Section 4. The supreme court shall consist of one chief justice and four associate justices, to be elected by the qualified electors of the state.

The Legislature shall, at its first session after the adoption of this amendment, provide by law for the election of two associate justices of said court, to hold their offices respectively for terms ending two and four years respectively, after the end of the term of the justice of the said court then last to expire. And thereafter the chief justice and associate justices of the said court shall be elected and hold their offices respectively for the term of ten years.

Approved March 15, 1876.

---

## No. 11.

JOINT RESOLUTION.

*Resolved by the senate, the assembly concurring*, That a joint committee of investigation, to consist of two from the senate and three from the assembly, be appointed to investigate the accounts of the Governors of this state for the past four years, and the accounts of superintendents of public property, for the same period of time, and all communications and reports presented at this session of the Legislature, in reference to the accounts of the late Governor of this state, and the late superintendent of public property be referred to said joint committee, and that said joint committee have full power to investigate and report to the Governor, within four months, on all the said accounts by this resolution referred, and the chairman or member

thereof be authorized with power to send for persons and papers, and to administer oaths.

There is hereby appropriated from the general fund not otherwise appropriated, a sum sufficient to carry out the provisions of this resolution.

Approved March 13, 1876.

---

## No. 12.

### JOINT RESOLUTION.

WHEREAS, The appropriation made at the present session for the current expenses of the Wisconsin Hospital for the Insane covers the year ending March 1, 1877; and,

WHEREAS, The appropriation made for 1875 was all expended January 1, 1876, thus leaving two months expenses of the Hospital unprovided for; therefor,

*Resolved by the senate, the assembly concurring*, That the secretary of state and state treasurer be and they are hereby authorized to construe said act making said appropriation for the present year as covering the months of January and February, 1876, and to make payments to the treasurer of said hospital for the months aforesaid.

Approved March 13, 1876.

---

## No. 13.

### JOINT RESOLUTION relating to the location of the State Prison and a hospital for the incurable insane.

*Resolved by the senate, the assembly concurring*, That,

WHEREAS, The State Board of Charities and Reform, in their annual report to the Governor, dated December, 1874, say: "We very much doubt whether the State Prison can be made to support itself under any system of management, while located at Waupun, that its present location is too far removed from supplies, and from available market for manufactured articles, and submit to the next Legislature in its wisdom to determine whether it is good policy for the state longer to continue the State Prison at Waupun, at such an enormous expense to the state;" and,

WHEREAS, The increasing number of incurable insane in the hospitals of the state, and the very large number now confined in jails and poor-houses, make it absolutely necessary that the state, at the earliest practical moment, establish an institution for the better care and maintenance of the incurable insane; therefore,

*Resolved*, That the Governor, the Board of State Prison Directors, and the State Board of Charities and Reform, are hereby constituted a commission to consider the feasibility and expediency of such change and removal of the State Prison. And if, in their judgment, such removal is for the best interest of the State, and the present building of the State Prison can be made available for the use and better care of the incurable insane, then they shall proceed to select a suitable site for the State Prison, and ascertain the price for which the same can be purchased, stating number of acres of land and the cost per acre of the same, together with the reasons governing the committee in making such selection, and it shall be the duty of said commission to report a bill to the next Legislature, providing for the erection of suitable buildings on the site so selected for a state prison.

*Resolved*, That after a full and careful examination of the State Prison, with a view to its being made available for a hospital for the incurable insane, if they shall come to the conclusion that the buildings and location are not adapted to this purpose, and that it is not in the interest of the state to remove the State Prison, then said commission shall first determine as to the propriety of erecting suitable buildings for the incurable insane on the grounds of the Wisconsin State Hospital for the Insane, or on the grounds of the Northern Hospital for the Insane; and if they shall decide that it is in the interest of the state to occupy these grounds for this purpose, it shall be their duty to report a bill to the next Legislature, providing for the erection of suitable buildings for said hospital, either in connection with the Wisconsin State Hospital, or the Northern Hospital for the Insane; but if, in the judgment of the commissioners, a separate hospital for the incurable insane should be established, then they shall proceed to select a suitable site, and ascertain the price for which the same can be purchased, stating number of acres of land and the cost per acre of the same, together with the reasons governing the committee in making such selection. And it shall be the duty of said commissioners to report a bill to the next Legislature, providing for the erection of suitable buildings for said hospital, on the lands selected for that purpose.

*Resolved*, That said commissioners shall meet at the capitol, in Madison, at such time as the Governor shall designate, and shall immediately enter upon the duties provided for in the foregoing resolutions.

Approved March 13, 1876.

## No. 14.

### JOINT RESOLUTION.

*Resolved by the assembly, the senate concurring*, That the superintendent of public property be and is hereby required to file with the secretary of state monthly itemized bills for all moneys disbursed by him.

Approved March 13, 1876.

---

## No. 15.

### JOINT RESOLUTION.

WHEREAS, This legislature learns that a bill is now before Congress, having for its object the bridging of Detroit river; and,

WHEREAS, The result of the passing of such a bill would very materially injure the commercial interests of our great lakes by obstructing this important avenue of our immense commerce, and would be productive of incalculable mischief and serious loss to our lake marine; and,

WHEREAS, It is preferable that a tunnel should be constructed at a point where competent engineers have determined that it is entirely practicable and adequate to secure all the advantages south, to be obtained by railways requiring economical means of crossing said river, and which would obviate the necessity of placing fatal obstructions in the strait that connects our great inland seas, which form a free highway without an equal on earth; and,

WHEREAS, The action of this Legislature has always been in favor of uninterrupted commerce between the states, and also of granting all facilities necessary to cheapen transportation from the west to the seaboard; and,

WHEREAS, Available means can be devised to accommodate railways crossing said river, without endangering a most important general interest; therefore,

*Be it resolved by the assembly, the senate concurring*, That this Legislature in conjunction with other states and communities interested in the commercial welfare of our great western states, do hereby most earnestly and emphatically protest against the bridging of the Detroit river, for the reason that extensive marine interests would be seriously affected by detention, damage and other causes that would necessarily follow the

crease in the mail-facilities there, and an increased mail-service is asked, to-wit: That a tri-weekly mail-service be established between the city of Berlin, in the county of Green Lake, and Plainfield, in the county of Waushara, via. Hamilton's Mills, Terrill's Corners, Willow Creek, Mount Morris, Wild Rose, and Almond, to leave Berlin every Monday, Wednesday, and Friday, and arrive at Plainfield the same days, and return every Tuesday, Thursday, and Saturday. And your memorialists would respectfully ask that said mail-service be established as aforesaid, at the earliest practicable period.

Approved February 10, 1876.

---

## No. 3.

MEMORIAL to Congress for the establishment of a daily mail-route between Marine Mills, Washington county, Minnesota, via. Farmington Center, to Osceola Mills, Wisconsin.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests of the people, and especially the business men of Washington county, Minnesota, and Polk county, Wisconsin, demand the establishment of a daily mail-route between Marine Mills, Washington county, Minnesota, via. Farmington Center, to Osceola Mills, Polk county, Wisconsin. And your memorialists would respectfully ask that said mail-service be established as aforesaid, at the earliest practicable period.

Approved February 10, 1876.

---

## No 4.

MEMORIAL to Congress for increased mail-facilities for the northern portion of Sauk county.

*To the honorable, the Senate and House of Representatives of the United States in Congress assembled.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest of a large number of the inhabitants and business men of the northern portion of Sauk county, Wisconsin,

requires an increase in the mail-facilties there, and an increased mail-service is asked, to-wit: That a mail-route be established from Kilbourn City, Columbia county, via Delton, to Baraboo, Sauk county, and daily mail service-ordered thereon. And your memorialists would respectfully ask that said mail service be established as aforesaid at the earliest possible period.

Approved February 14, 1876.

---

## No. 5.

MEMORIAL to Congress for an appropriation to improve the navigation of the Chippewa river.

Your Memorialists, the Legislature of Wisconsin, respectfully represent as follows:

That the Chippewa river is one of the most important navigable waters emptying into the Mississippi river, with a commerce already amounting to more than five millions of dollars per annum, consisting mainly of the products of the forests in proximity to it.

That said forests possess a wealth beyond computation, and that to utilize the same for the best interests of the entire commonwealth, and prevent serious loss to the primitive operator, to the manufacturer, to secure safe and successful transit down said river, as well as general navigation of the same, the improvement of the navigation is very important and essential.

That examinations and surveys have been made under the direction of Congress, so far as the river has been navigated by steamboats, the reports of which show the practicability of such improvement, as well as the importance of the same.

Therefore, your memorialists would respectfully pray your honorable body to appropriate an adequate sum of money to accomplish such improvement, at an early day, to be expended by and under the authority and direction of the Secretary of War, with the authority to construct such water-reservoirs upon the head-waters of the Chippewa and its tributaries as, by their proper use, will maintain a navigable stage of water during the season of low water; and your memorialists will ever pray.

Approved February 14, 1876.

## No. 6.

MEMORIAL to Congress for the establishment of a semi-weekly mail-route from Wausau to Colby, via. Stettin, Marathon, and Wien.

*To the honorable, the Senate and House of Representatives, in Congress assembled:*

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests of a large and rapidly increasing number of the inhabitants of Marathon county, in the State of Wisconsin, require the establishment of a semi-weekly mail-route from the city of Wausau, via. Stettin, Marathon, and Wien, to the village of Colby, in said county. And your memorialists, therefore, respectfully ask that such mail-service be established at the earliest practicable period, and that a post-office be established on said route in the town of Wien, under the name of Wien.

Approved February 14, 1876.

---

## No. 7.

MEMORIAL to Congress for the extension of a mail-route and for the increase of service thereon, from New Glarus, in Green county, Wisconsin, to Dayton, thence to Brooklyn Station, on the Madison branch of the Chicago & Northwestern Railway.

*To the honorable, the Senate and House of Representatives, in Congress assembled:*

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of the inhabitants of the northern part of Green county, Wisconsin, require an extension of the route now existing, from New Glarus to Dayton, such extension to commence at Dayton and end at Brooklyn Station, all in Green county, Wisconsin.

And would also represent that the business and interests of the people along said route require that service on said route as extended be performed three times a week.

And your memorialists would respectfully ask that said extension with service thereon be ordered and established at the earliest practicable period.

Approved February 14, 1876.

## No. 8.

MEMORIAL to Congress for an increase of mail service from Durand to Pepin, in Pepin county.

*To the honorable, the Senate and House of Representatives:*

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of the inhabitants of Pepin county, require an increase of service on Route No. 25,325, from the village of Durand, to the village of Pepin, in said county of Pepin, from a tri-weekly to a daily mail; and your memorialists would respectfully ask the same to be done as soon as practicable.

Approved February 16, 1876.

---

## No. 9.

MEMORIAL to Congress for the establishment of a weekly mail-route from Kiel to Memee post-office, in the county of Manitowoc, Wisconsin.

*To the honorable Senate and House of Representatives, in Congress assembled:*

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the mail facilities are such in several towns of the county of Manitowoc, Wisconsin, that many hundreds of the citizens are not accommodated with their mails, there being no direct connection between Kiel and Memee post-office, in the county of Manitowoc, State of Wisconsin, and that the interest of the people of said towns demand the establishment of a weekly mail-route from Kiel, via. Rockville, Zorn's Corners, School Hill, to Memee post-office, Manitowoc county, Wisconsin, and that said mail should start every Saturday morning at seven (7) o'clock a. m., and return the same day. Your memorialists would respectfully ask that said mail-route be established as aforesaid at the earliest practicable period.

Approved February 16, 1876.

## No. 10.

MEMORIAL to Congress for an increased appropriation for the extension of the signal service.

WHEREAS, The Signal Service Department of the United States Army has become of incalculable importance to the interests of commerce, and its system of weather predictions already approximates an exact science; and,

WHEREAS, By increasing its stations, it can be made of equal value to the great interests of agriculture; therefore,

*Be it resolved by the senate, the assembly concurring*, That our Senators and Representatives in Congress be urged to secure such further appropriations as will enable the War Department to extend its signal service, so as to secure its advantages to the farming interests of the United States.

*Resolved further*, That the Governor be requested to forward a copy of the foregoing to our Senators and Representativs in Congress.

Approved. February 29, 1876.

---

## No. 11.

MEMORIAL to Congress for the establishment of a tri-weekly mail-route from Marquette, in the county of Green Lake, via. Kingston, to Portage, in Columbia county.

*To the honorable, the Senate and House of Representatives, in Congress assembled:*

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests of a large number of the inhabitants of the counties of Green Lake, Marquette and Columbia, in the State of Wisconsin, require the establishment of a tri-weekly mail-route from the village of Marquette, in the county of Green Lake, via. the village of Kingston, to the city of Portage, in the county of Columbia, and your menorialists, therefore, respectfully ask that such mail-service be established at the earliest practicable period.

Approved February 29, 1876.

## No. 12.

MEMORIAL to Congress for the establishment of a tri-weekly mail-route from Waupaca, in the county of Waupaca, to Plainfield, in the county of Waushara.

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That a large number of the inhabitants of the southeastern portion of Portage county, and the southwestern portion of Waupaca county, are deprived of the mail-facilities which are needed; and your memorialists would respectfully ask that a tri-weekly mail-route from Waupaca, in the county of Waupaca, running through the town of Dayton, by the post-office at Rural, in said town, through the towns of Belmont and Almond, to Plainfield, in the county of Waushara, be established. And further, your memorialists would respectfully ask that said mail-route be established as aforesid at the earliest practicable period.

Approved March 8, 1876.

---

## No. 13.

MEMORIAL to Congress, requesting an investigation to be made into the right of George W. Cate to occupy a seat as a member of Congress for the Eighth district of Wisconsin.

*To the honorable, the House of Representatives of the United States of America:*

Your Memorialists, the Legislature of the State of Wisconsin, respectfully represent:

That at the general election held in the Eighth congressional district of the State of Wisconsin, on Tuesday, the 3d day of November, 1874, for representative in Congress, the whole number of votes cast for such representative was as follows:

Alex. S. McDill received..... 9,540 votes.
George W. Cate received..... 9,502 votes.

Giving Mr. McDill a majority of 38 votes. By refusal of the county board of canvassers of Wood county to canvass the votes cast in the first ward of the city of Grand Rapids, and the town of Lincoln, on some alleged slight irregularity in the making of the returns from these precincts, 96 votes cast for Mr. McDill and 56 votes cast for Mr. Cate were not included in the canvass

made for said county of Wood; and the return of votes cast in that county to the state board of canvassers was fraudulently made as being 655 for George W. Cate, and 457 for A. S. McDill, whereas the vote was, in fact, 711 for Mr. Cate, and 553 for Mr. McDill.

The Supreme Court of the State of Wisconsin, on motion, granted an alternative writ of mandamus directed to the state board of canvassers and the secretary of state, commanding said board to determine upon the election returns from the several counties in the Eighth congressional district. The case was argued before the court on the 5th day of December, and the court held that it "could not go behind the returns and correct frauds and mistakes, and adjudge which of the candidates was elected," but could only determine whether the state board of canvassers ought to include in its canvass and statement [of] the votes cast for representative in Congress, those returned from Wood county, (which were incomplete as above recited.) The court said: "We cannot determine the right to the office but only the duty of the state board of canvassers, in respect to the canvass. The power to determine the right is, by the Constitution of the United States, vested exclusively in the House of Representatives. 36 *Wis.*, 505."

The court added: "There is nothing in the statement of the board of county canvassers showing or tending to show, neither was it claimed on the argument of demurrer, that any effort was made to procure corrected returns from the rejected town and ward. On the contrary, the silence of their statement on that subject, the suppression of the nature of the alleged defects in such returns, for which they were rejected, and the fact that it does not appear that the board availed itself of the power given by law to adjourn for the purpose of procuring corrected returns, *leaves upon our minds a most painful impression that the county canvassers utterly neglected their duty in this respect, and illegally and wantonly disfranchised all of the electors who voted at such election in the rejected town and ward.* If they did so, they committed a most serious offense—an offense which strikes at the very foundation of our system of government, and which cannot be too severely censured. Hence it was that we felt justified in saying during the argument of the demurrer, that *he who, by fraud or by willful disregard of his sworn duty, defeats the will of the people as expressed by their votes, commits a political crime next to treason and nearly akin to it,* and that this court will never fail, on any proper occasion, to characterize such an offense in fitting terms.

* * * * * * * * * * *

The state canvassers were powerless in the premises. They can only act upon the certified statements of the county canvassers' returned by the several county clerks to the secretary of

state, and have no authority to procure corrected returns, or to go behind the returns thus made. *R. S., ch. 7, sec.* 80."

The official canvass for said district was, therefore, made without including the votes cast in the town of Lincoln and the first ward in the city of Grand Rapids, and was officially declared to be as follows:

George W. Cate received.....9,446 votes,
Alex. S. McDill received.....9,444 votes,

giving Mr. Cate an apparent majority of 2 votes.

Your memorialists further represent, that by the rejection of the votes cast in the town of Lincoln and the first ward of the city of Grand Rapids, the election of one C. O. Baker as county clerk was shown, whereas he was in fact defeated, if the votes from these precincts had been received, and that said Baker was the principal canvassing officer. The case was brought before the Supreme Court of this state at its last term, and after an exhaustive examination of all the facts connected with the rejection of the returns above named by the county canvassers, the court unanimously decided that the canvassers had transgressed their authority in so rejecting the returns.

They characterize the action as "a most indecent and flagrant violation of duty, too palpable for blunder, too corrupt for any mercy of construction."

The court then pronounced judgment of ouster against Baker, and emphasized the judgment by imposing a fine of two hundred dollars on him.

That your honorable body may better understand what was decided, the language of the court is here employed:

"IV. There is nothing to distinguish the case of Kromer from ordinary cases of the kind. Judgment will therefore go in his case in the usual form against him and in favor of the relator.

"But the case of Baker is very distinguishable from ordinary cases of contest for office. At the time of the election and canvass, he was county clerk; one of the officials who made the register of votes in the first ward of Grand Rapids, which he now asks to operate so as to disfranchise, at the election, all the voters in that ward. The county canvass was made by him and the two officials whom he took to his assistance to form the board of county canvassers. Saving the defendant's personal knowledge of the register in the first ward of Grand Rapids, it does not appear that the board of county canvassers had any notice of the irregularities or defects in the register of votes in these five wards now urged for the defendant. Certain it is that they did not, in the canvass, reject the votes in any of them for any irregularities or defects of the registers. The defense which the defendant now sets up for his usurpation of office, appears to have been an after-thought, which cannot mitigate his breach of duty

then. The board of county canvassers did reject the returns from the town of Lincoln and the first ward of Grand Rapids, for alleged illegality and defectiveness, not in the election, but in the returns themselves not now relied on by the defendant. The rejection of these returns, wholly unauthorized, gave excuse to the defendant and his associates in the board of canvassers to declare the defendant himself elected county clerk. This was a most indecent and flagrant violation of duty, too palpable for blunder, too corrupt for any mercy of construction. If the returns from the town and ward were so informal and incomplete —in the language of the board of canvassers, so illegal and defective—that the board could not canvass them, it was the duty of the defendant and his associates to dispatch a messenger for corrected returns. *Taylor's Stat., chapter* 7, *of section* 89. *State vs. Pierpont*, 29, *Wis.* 108; *State vs. Board State Canvassers, Supra.* A county clerk cannot be tolerated in so tampering with his statutory duty—in so baffling the constitutionally expressed will of the voters of his county, to keep himself in office to which another is elected, by violation of his official oath and duty.

"Speaking of this very canvass, it was said in *State vs. Board of State Canvassers, Supra:* 'There is nothing in the statement of this board of county canvassers showing or tending to show, neither was it claimed on the argument of the demurrer, that any effort was made to procure corrected returns from the rejected town or ward. On the contrary, the silence of their statement on that subject, the suppression of the nature of the alleged defects in such returns for which they were rejected, and the fact that it does not appear that the board availed itself of the power given by law to adjourn for the purpose of procuring corrected returns, leave upon our mind a most painful impression that the county cavassers utterly neglected their duty in this respect, and illegally and watonly disfranchised all the voters who voted at such election in the rejected town and ward. If they did so, they committed a most serious offense—an offense which strikes at the very foundations of our system of government, and which cannot be too severely censured. Thus it was that we felt justified in saying, during the argument of the demurrer, that he who by fraud or by willful disregard of his sworn duty, defeats the will of the people as expressed by their votes, commits a political crime next to treason and near [nearly] akin to it, and that this court will never fail, on any proper occasion, to characterize such an offense in fitting terms.'

"The shameful truth suggested in that case is apparent in this. Then we could only censure; now we can punish. Section 16, of chapter 169, revised statutes, under which this proceeding is taken, contains the ancient and salutary power of imposing a fine on the usurping officer, in such cases, to the extent of

$2,000. Such a statute, in such cases as this, should not be a dead letter. If any defendant in any case of quo warranto can earn such a fine, this defendant has earned it in this. It is our duty, now about to be fulfilled, to oust him from an office which he has usurped for one-third of the official term, by willful malfeasance in office, corrupt in fact as in law. And we should feel this court to be, in some sort, his *particeps criminis*, if, in doing so, we should refuse to exercise the power to punish him with which the law entrusts us. Our only doubt on this point has been the proper amount of the fine to be imposed. This is, so far as we are advised, the first instance of a fine imposed under this statute; and we have been led to think that a fine moderate in amount will be sufficient for the punishment of this defendant, and for example in such cases. If the example should prove insufficient, the precedent will not stand in the way of heavier fines in future cases of the kind. The same judgment will therefore go in the case of Baker as in the case of Kromer, with the addition of a fine against the former of $200."

It will thus appear to your honorable body that the votes rejected in the county canvass of Wood county should have been included with the other votes cast for member of Congress. Adding them to their proper columns, it appears that the number of votes cast in the Eighth congressional district of Wisconsin, for member of Congress on the third day of November, 1874, was as follows:

Alex. S. McDill received.....9,540,
George W. Cate received.....9,502,

showing that Mr. McDill received a majority of the votes cast for member of Congress; but Mr. Cate received a certificate of election through the perpetration of an act which, unless the Chief Justice of the State of Wisconsin was in error in his judgment and conclusions, was "a most indecent and flagrant violation of duty, too palpable for blunder, too corrupt for any mercy of construction."

Your memorialists further represent that Hon. A. S. McDill, who received a majority of the votes cast for member of Congress for the Eighth district of Wisconsin, died in November last.

Your memorialist therefore respectfully pray your honorable body that you will direct the proper committee to inquire why the votes cast in said town of Lincoln and the first ward of the city of Grand Rapids, should not be counted, and if upon such inquiry and investigation it be determined that such votes ought to be received and counted, then that such committee be instructed to report to the house by what right Hon. George W. Cate holds a seat in your body and assumes to act as congressman for the Eighth congressional district of Wisconsin.

And your memorialists will ever pray.

*Resolved*, That the Governor be requested to send a copy of this memorial to each of our representatives in Congress and one to each member of the Committee on Priliveges and Elections.

Approved March 9, 1876.

---

## No. 14.

MEMORIAL to Congress for amendments to the patent laws.

WHEREAS, The patent laws of the United States have been so devised and construed as to shield and protect great and oppressive monopolies, and to encourage gigantic speculations for the benefit of a few, at the expense of the people, while they are totally inadequate to secure to inventors adequate compensation for their inventions; therefore,

*Resolved*, That the Senators from this state in Congress are instructed, and the Representatives are requested, to use their earnest efforts to secure such amendments to said laws as will provide:

1. That any person may use any patent invention, upon executing a bond in such sum, and with such security as the circuit court of the United States for the district in which such use is to be made shall direct and approve, conditioned that he will pay to the owners of such invention a proper license-fee for the use of the same, which bond shall be filed in the office of the clerk of said court.

2. That in all cases the measure of the license-fee shall be such sum as will give the inventor reasonable compensation for his time, labor, ingenuity, and expense, which sum shall in no case exceed the fee fixed for such use in contracts made by the inventor or owner, and such license-fee shall be the measure of damages in all actions and proceedings for the infringement of patents, and no other recovery for damages or profits shall be allowed.

Approved March 11, 1876.

## No. 15.

MEMORIAL to Congress for an appropriation to improve the navigation of the Saint Croix river.

*To the honorable, the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of Wisconsin, respectfully represent as follows:

That the Saint Croix river is one of the most important navigable waters emptying into the Mississippi river, with a commerce already amounting to more than six and a half millions of dollars per annum, consisting mainly of the products of the forests, farms, manufactories and mills.

That said forests in proximity to it possess a wealth beyond computation, and that to utilize the same for the best interest of the two entire commonwealths, and to prevent serious loss to the primitive operator, to the manufacturer, and others, and to secure safe and successful transit down said river, as well as general use of the same, the improvement of the navigation is very important and essential

That examinations and surveys have been made under the direction of Congress, so far as the river has been navigated by steamboats, the reports of which show the practicability of such improvement, as well as the importance of the same.

Therefore, your memorialists would respectfully pray your honorable body to appropriate an adequate sum of money, to accomplish such improvements at an early day, to be expended by and under the authority and direction of the Secretary of War, with the authority to construct such water reservoirs upon the head waters of the St. Croix and its tributaries as by their proper use will maintain a navigable stage of water during the season of low water, and your memorialists will ever pray.

Approved March 11, 1876.

## No. 16.

MEMORIAL to Congress relating to Manitowoc and Two Rivers harbors.

*To the honorable, the Senate and House of Representatives of the United States of America, in Congress assembled:*

The Memorialists of the Legislature of the State of Wisconsin, respectfully represent:

That the interest of the inhabitants of Manitowoc and adjoining counties, the safety to life and property, the interest and safety of the shipping on the whole lakes, require the speedy completion of the harbors at Manitowoc and Two Rivers.

That about two hundred thousand dollars ($200,000) have already been expended on said harbors, from which the whole benefit cannot be derived until the works are completed to their fullest extent. That the appropriation required to accomplish the completion, will be but a small proportion to the moneys so far expended. Therefore, your memorials respectfully ask that your honorable body make an appropriation sufficient to complete said harbors.

*Resolved*, That the Governor is hereby requested to transmit a copy of this memorial to each of our Senators and Representatives in Congress from this state.

Approved March 11, 1876.

---

## No. 17.

MEMORIAL to Congress for the increase of mail-service on mail-route Number 25,151, from Lake Fire to Hartford, in Washington county, Wisconsin.

*The honorable, the Senate and House of Representatives, in Congress assembled:*

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of the inhabitants along mail-route Number 25,151, from Lake Fire to Hartford, in Washington county, Wisconsin, require an increase of mail-service along such route. And your memorialists would respectfully ask that an increase of such service be made along such route, at as early a period as possible, and during this Centennial year.

Approved March 11, 1876.

## No. 18.

MEMORIAL to Congress to provide fish-ways at the dams and locks on the Fox river, in the State of Wisconsin.

*To the honorable, the Senate and House of Representatives:*

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the protection of fish in the waters of Lake Winnebago and Fox river, is a matter of great importance to the people of Wisconsin; that the obstructions placed in said river in the construction of dams and locks, impedes the passage of fish along its waters in the season of spawning, whereby the waters thereof are being deprived of that wholesome food; that these dams and obstructions are being erected under the supervision of the United States, which annually appropriates large sums of money for the preservation and propagation of fish. We therefore ask that the Secretary of War be authorized to construct on said river suitable fish-ways, and so as to allow fish a free passage along its waters.

Approved March 11, 1876.

---

## No. 19.

MEMORIAL to Congress for the completion of the improvement of the Wisconsin and Fox rivers..

*To the honorable, the Senate, and House of Representatives of the United States, in Congress assembled:*

The Memorial of the Legislature of Wisconsin respectfully represents:

That the importance of the earliest practicable completion of the improvement of the Wisconsin and Fox rivers to the business interests of the northwestern states, cannot well be over-estimated.

It is becoming manifest to all that the only solution of the problem of cheap transportation, lies in the competition of water-ways with railways. Such competition does not appear to be within the paralyzing influences of combination. It seems to be the hope left when legislation fails. The importance of this work has been felt by the citizens of this state since the earliest

days. The first public meeting within the present limits of the State of Wisconsin, to represent to Congress the importance of the improvement of these rivers, was held in Green Bay, in 1829, nearly fifty years ago, and nearly twenty before the state was admitted into the Union, and when within the limits of what is now the state, there were only two settlements—Green Bay and Prairie du Chien—having each a few hundred inhabitants, and those chiefly of mixed Indian and French descent. This meeting, with the many that closely followed it, led to the legislation of 1846, by which Congress made a grant of lands in aid of the work.

From a few hundreds in that day, the population of Wisconsin has in less than half a century increased to a million and a quarter. As the development of the country has progressed, the great need of this improvement has become more apparent.

From the first, the Legislature has repeatedly memorialized Congress upon this subject, and since 1862, for thirteen years, has at each session thereof invariably sent in its memorial. The legislatures of the neighboring states have also sent in their memorials, and so, also, have numerous conventions of the people of several states met for the purpose of considering this subject.

True economy in the construction of the work requires that the appropriations be sufficient to cemplete the work at the earliest possible moment. Waste, through needlessly prolonged management, protection from decay and change of supervision, will be avoided; returns to the treasury from tolls allowed, and relief to the business interests of the country, will be immediate, from which the benefits resulting cannot well be overstated. Be it, therefore,

*Resolved by the senate, the assembly concurring*, That the Governor be and he is hereby authorized and requested to affix his official signature hereto, and forward a copy of this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in the Congress of the United States.

Approved March 13, 1876.

*STATE OF WISCONSIN,*
*SECRETARY'S OFFICE.* } *ss.*

The Secretary of State of the State of Wisconsin does hereby certify that the laws, joint resolutions and memorials published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State, at the Capitol, in Madison, this twenty-second day of May, A. D. 1876.

[L. S.]

PETER DOYLE,
*Secretary of State.*

# STATEMEMT

SHOWING THE

# TIMES AND PLACES FOR HOLDING CIRCUIT COURTS

IN THE

## SEVERAL COUNTIES OF THIS STATE.

*Prepared by the Secretary of State, in accordance with chapter* 145, *G. L. of* 1869.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | FIRST CIRCUIT. | | |
| Walworth..... | 3d Monday in September....<br>3d Monday in February.....<br>2d Monday in June ..... ... | Elkhorn..... | Ch. 18, G L. 1869. |
| Racine..... | 2d Monday in October.....<br>2d Monday in March.....<br>3d Monday in June..... | Racine..... | Ch. 18, G. L. 1869. |
| Kenosha..... | Wednesday after 1st Monday in November.....<br>Wednesday after 1st Monday in April.....<br>2d Monday in August..... | Kenosha..... | Ch. 18, G. L. 1869. |
| | SECOND CIRCUIT* | | |
| Milwaukee..... | 1st Monday in February.....<br>2d Monday in March.....<br>2d Monday in May.....<br>1st Monday in June.....<br>1st Monday in September....<br>1st Monday in November....<br>1st Monday in December. | Milwaukee..... | Ch. 291, L. 1875. |
| Waukesha..... | 3d Monday in March.....<br>1st Monday in December.....<br>2d Monday in June, [Law Term.] ..... | Waukesha..... | Ch. 248, P. & L. 1866. |

*Section 1, of chapter 106, general laws of 1872, provides that the general terms in each of the counties in this circuit be special terms for the whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | THIRD CIRCUIT. | | |
| Marquette..... | Tuesday next after first Monday in January ..... Tuesday next after last Monday in May ..... | Montello..... | Ch. 24, G. L. 1871. |
| Green Lake | 2d Monday in January ..... 1st Monday in June ..... ... | Dartford ..... | Ch. 24, G. L. 1871. |
| Dodge ..... | 2d Monday in October..... 4th Monday in February..... | Juneau ..... | Ch. 24, G. L. 1871, & Ch. 22, G.L.'72. |
| Washington .... | 3d Monday in March..... 2d Monday in November .... | West Bend..... | Ch. 24, G. L. 1871. |
| Ozaukee ..... | Tuesday after 4th Monday of January ..... Tuesday next after 3d Monday in June ..... | Port Washington.. | Ch. 24, G. L, 1871. |
| Winnebago..... | Tuesday next after 2d Monday of April. ..... Tuesday next after 4th Monday of November..... | Oshkosh..... | Ch. 233, L. 1873. |
| | FOURTH CIRCUIT. | | |
| Sheboygan ..... | 1st Monday in October*..... 1st Monday in April* ..... | Sheboygan ..... | Ch. 84, Laws 1876. |
| Calumet. ..... | 2d Monday in December... 3d Monday in May..... | Chilton ..... | Ch. 84, Laws 1876. |
| Kewaunee..... | 3d Monday in October ..... 4th Monday in April ..... | Kewaunee ..... | Ch. 84, Laws 1876. |
| Fond du Lac... | 2d Monday in November*... 1st Monday in March* ..... 4th Monday in June*..... Special term 2d Monday in February* ..... | Fond du Lac..... | Ch 84, Laws 1876. |
| Manitowoc. .... | 2d Monday in January..... 1st Monday in June..... | Manitowoc ..... | Ch. 84, Laws 1876. |
| | FIFTH CIRCUIT. | | |
| Grant. ..... | 1st Tuesday in February..... 2d Tuesday in September... | Lancaster ..... | Ch. 398, L. 1876. |
| Iowa ..... | 4th Tuesday in March ..... 1st Tuesday in October ..... | Dodgeville ..... | Ch. 398, L. 1876. |
| La Fayette..... | 4th Tuesday in June ..... 1st Tuesday in December.... | Darlington ..... | Ch. 398, L. 1876. |

* Special term for whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | FIFTH CIRCUIT—Cont'd. | | |
| Richland ..... | 2d Tuesday in April.....<br>4th Tuesday in October..... | Richland Center.. | Ch. 398, L. 1876. |
| Crawford..... | 4th Tuesday in May.....<br>2d Tuesday in November..... | Prairie du Chien.. | Ch. 398, L. 1876. |
| | SIXTH CIRCUIT. | | |
| Clark..... | 1st Tuesday in March.....<br>1st Tuesday in September ... | Neillsville ..... | Ch. 2, Laws 1876. |
| Jackson..... | 3d Tuesday in March* .....<br>3d Tuesday in September*.... | Black River Falls. | Ch. 2, Law 1876. |
| Monroe ..... | 4th Tuesday in March*.....<br>4th Tuesday in September*..<br>Special term for circuit, 3d Tuesday in December ..... | Sparta..... | Ch. 2, Laws 1876. |
| La Crosse ..... | 2d Tuesday in May* .....<br>2d Tuesday in November*...<br>Special term for circuit, 3d Tuesday in June..... | La Crosse..... | Ch. 2, Laws 1876. |
| Vernon..... | 1st Tuesday in June.....<br>1st Tuesday in December.... | Viroqua..... .... | Ch. 2, Laws 1876. |
| | SEVENTH CIRCUIT. | | |
| Portage..... | 4th Tuesday in April.....<br>2d Tuesday November..... | Stevens Point..... | Ch. 74, Laws 1876. |
| Juneau..... | 2d Tuesday in April.....<br>2d Tuesday in October..... | Mauston ..... | Ch. 74, Laws 1876. |
| Marathon ..... | 4th Tuesday in May.....<br>4th Tuesday in November.... | Wausau ..... | Ch. 74, Laws 1876. |
| Waupaca..... | 2d Tuesday in December.....<br>3d Tuesday in May..... | Waupaca ..... | Ch. 74, Laws 1876. |
| Wood ..... | 1st Tuesday in May.....<br>3d Tuesday in December .. . | Grand Rapids .... | Ch. 74, Laws 1876. |
| Waushara..... | 4th Tuesday in March .....<br>4th Tuesday in September ... | Wautoma ..... | Ch, 74, Laws 1876. |
| Adams ..... | 3d Tuesday in March.....<br>4th Tuesday in October..... | Friendship..... | Ch. 74, Laws 1876. |
| Taylor..... | 4th Tuesday in February ....<br>3d Tuesday in September.... | Medford ..... | Ch. 74, Laws 1876. |

*Special term for whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | EIGHTH CIRCUIT. | | |
| Dunn..... | 2d Monday in March.. ....<br>2d Monday in September.... | Menomonie ..... | Ch. 120, L. 1874. |
| Lincoln ..... | 3d Tuesday in February. ...<br>2d Tuesday in September.... | Jenny ..... | Ch. 74, Laws 1876. |
| Pepin ..... | 3d Monday in April .....<br>3d Monday in October ..... | Durand ..... | Ch. 120. L. 1874. |
| Pierce ..... | 4th Monday in May.....<br>4th Monday in November ... | Ellsworth ..... | Ch. 116, R. S. |
| St. Croix* ..... | 2d Monday in May..... ....<br>2d Monday in November .... | Hudson..... | Ch. 116, R. S. |
| | NINTH CIRCUIT | | |
| Columbia ..... | 3d Tuesday in May ..... ....<br>2d Tuesday in December .... | Portage ..... | Ch. 46, Laws 1875. |
| Dane ..... | Monday after 1st Tuesday in April.....<br>2d Monday in November ....<br>2d Tuesday in July ..... | Madison ..... | Ch. 42, Laws 1876. |
| Sauk ..... | 4th Monday in September ...<br>3d Monday in March ..... | Baraboo ..... | Ch. 10, G.L. 1872. |
| | TENTH CIRCUIT.† | | |
| Outagamie ..... | 1st Monday in June.....<br>2d Monday in November .. | Appleton ..... | Ch. 33, G.L. 1875. |
| Oconto ..... | 2d Monday in April .. .....<br>3d Monday in October ..... | Oconto ..... | Ch. 33, Laws 1875. |
| Shawano..... | 1st Tuesday after the 4th Monday in June .....<br>1st Tuesday after 2d Monday in January..... | Shawano..... | Ch. 33, G. L. 1875. |
| Door ..... | 1st Tuesday after 3d Monday in February.....<br>1st Tuesday after 3d Monday in July ..... | Sturgeon Bay..... | Ch. 33, Laws 1875. |
| Brown..... | 1st Monday in March.....<br>1st Monday in September.... | Green Bay..... | Ch. 33, Laws 1875. |

*Chapter 254. laws of 1874, authorizes the circuit judge of the Eighth judicial circuit, to alter the time for holding terms in the county of St. Croix, by publishing a notice of such change for sixty days before such order is to take effect.

†Every regular term in the counties of Brown, Outagamie and Oconto shall be a special term for the whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | TENTH CIRCUIT—Cont'd. | | |
| Brown..... | 2d Monday in December.....<br>Special term for whole circuit, 4th Monday in January.... | Green Bay..... | Ch. 33, Laws 1875. |
| | ELEVENTH CIRCUIT. | | |
| Ashland..... | 1st Tuesday after 1st Monday in January.....<br>3d Monday in July..... | Ashland ..... | Ch. 112, L. 1876. |
| Barron..... | 4th Monday in March.....<br>1st Monday in September .... | Rice Lake..... | Ch. 112, L. 1876. |
| Bayfield..... | 1st Tuesday after 2d Monday in July*.....<br>2d Monday in January*..... | Bayfield ..... | Ch. 112, L. 1876. |
| Burnett..... | 1st Monday in March.....<br>3d Monday in September. ... | Grantsburg..... | Ch. 112, L. 1876. |
| Chippewa..... | 2d Monday in May*.....<br>1st Monday in December*.... | Chippewa Falls... | Ch. 112, L. 1876. |
| Douglas..... | 3d Monday in April.....<br>1st Monday in October..... | Superior City..... | Ch. 112, L. 1876. |
| Polk..... | 2d Monday in March*.....<br>4th Monday in September*... | Osceola..... | Ch. 112, L. 1876. |
| | TWELFTH CIRCUIT. | | |
| Rock ..... | 4th Monday in April.....<br>4th Monday in January.....<br>Wednesday next succeeding 1st Monday in November..... | Janesville..... | Ch. 143, L. 1875. |
| Green..... ... | 1st Tuesday in March.....<br>3d Tuesday in June.....<br>1st Tuesday in October..... | Monroe..... | Ch. 143, L. 1875. |
| Jefferson..... | 1st Monday in February.....<br>2d Tuesday in June.....<br>1st Tuesday in September... | Jefferson..... | Ch. 143, L. 1875. |
| | THIRTEENTH CIRCUIT. | | |
| Buffalo..... | 1st Tuesday in May.....<br>4th Tuesday in October..... | Alma..... | Ch. 2, G. L. 1876. |
| Eau Claire..... | 4th Monday in March.....<br>4th Monday in September.. .<br>1st Tuesday in August, special term for circuit..... | Eau Claire..... | Ch. 216, G. L., 1876.<br>34, L., 1868. |
| Trempealeau ... | 3d Tuesday in April... .....<br>2d Tuesday in October..... | Galesville ..... | Ch. 2, G. L. 1876. |

*Special term for whole circuit.

# Index.

## A.

AMENDED—General Laws.


| Year. | Chap. | Sec. | | Page. |
|---|---|---|---|---|
| 1861 | 186 | 1–12 | relating to lien for labor on logs | 913 |
| 1864 | 444 | 1 | in relation to elections | 862 |
| 1868 | 102 | 1 | relating to tree-belts | 606 |
| 1869 | 46 | .... | protecting lands of St. Criox and Lake Superior Railroad Company | 859 |
| 1869 | 152 | .... | relating to highways and bridges | 858 |
| 1869 | 152 | 58 | relating to highways and bridges | 916 |
| 1870 | 72 | .... | relating to hawkers and peddlers | 938 |
| 1870 | 138 | 1, 2 | providing for bounty on wild animals | 521 |
| 1872 | 80 | .... | relating to free libraries | 638 |
| 1872 | 86 | .... | relating to county court of Dodge county | 637 |
| 1872 | 89 | 2 | relating to change of county seats | 960 |
| 1873 | 164 | .... | incorporating city of Fort Howard | 616 |
| 1873 | 299 | 1 | relating to insurance companies | 646 |
| 1873 | 213 | 1 | construction of levee on Wisconsin river | 589 |
| 1874 | 33 | 1 | relating to permanent land-marks | 645 |
| 1874 | 153 | 4 | authorizing dam amended | 591 |
| 1874 | 154 | 4 | authorizing dam on Clam river | 611 |
| 1874 | 184 | .... | incorporating city of Milwaukee | 657, 910 |
| 1874 | 226 | .... | relating to city of Janesville | 612 |
| 1874 | 243 | 38–57 | relating to public printing | 864 |
| 1874 | 259 | 4 | authorizing ferry across Mississippi river | 917 |
| 1874 | 288 | 2 | relating to improvement of Thorn-Apple river | 915 |
| 1875 | 184 | 1, 2 | relating to highways and bridges | 643 |
| 1875 | 203 | .... | providing for revision of the statutes | 810 |
| 1875 | 223 | 3, 4 | act to lay out state road from St. Croix Falls to Ashland | 590 |
| 1875 | 232 | 1 | in relation to elections | 862 |
| 1875 | 258 | .... | incorporating city of Waupaca | 521 |
| 1875 | 299 | 1,2,3 | relating to inspector of Fourth lumber district | 641 |
| 1875 | 326 | 1 | authorizing dams on Black River | 613 |


AMENDED—Private and Local Laws.


| Year. | Chap. | Sec. | | |
|---|---|---|---|---|
| 1855 | .... | .... | incorporating Milwaukee and Beloit Railroad Company, approved March 29, 1855 | 857 |
| 1857 | 133 | .... | relating to city of Kenosha | 807 |
| 1858 | 164 | .... | incorporating village of Whitewater | 952 |
| 1859 | 158 | .... | relating to police court of Stevens Point | 617 |
| 1859 | 199 | .... | establishing municipal court in city and county of Milwaukee | 911 |
| 1862 | 311 | 1 | relating to salaries in Milwaukee county | 912 |
| 1867 | 113 | 1 | relating to village of Shullsburg | 636 |
| 1867 | 589 | .... | incorporating village of Whitewater | 952 |

AMENDED—General Laws—Continued.


| Year. | Chap. | Sec. | | Page. |
|---|---|---|---|---|
| 1868 | 171 | 2 | relating to Wisconsin River Improvement Company | 644 |
| 1868 | 254 | .... | relating to police court of Sheboygan | 619 |
| 1869 | 262 | 1 | incorporating Mishicott Schuetzen Gesellschaft | 609 |
| 1869 | 402 | 1 | relating to village of Shullsburg | 636 |
| 1869 | 404 | 5 | incorporating city of Stevens Point | 610 |
| 1869 | 467 | .... | incorporating Family Protective Association | 962 |
| 1870 | 164 | 4, 5 | relating to Nimakogan and Totogatic Dam Company | 948 |
| 1871 | 338 | 8 | incorporating Wisconsin Valley Railroad | 608 |
| 1872 | 16 | .... | incorporating city of Eau Claire | 917 |
| 1872 | 140 | .... | incorporating city of Janesville | 607 |

AMENDED—REVISED STATUTES.

| Chap. | Sec. | | |
|---|---|---|---|
| 7 | 76 | relating to elections | 591 |
| 13 | 142, 144 | relating to duties of registers of deeds | 947 |
| 15 | 2 | relating to duties of town officers | 915 |
| 18 | .... | relating to assessment and collection of taxes | 914 |
| 19 | 85 | relating to discontinuance of roads | 889 |
| 28 | 29, 30 | relating to school and other lands | 615 |
| 67 | 6 | relating to cemeteries | 618 |
| 67 | 19 | relating to cemeteries | 614 |
| 142 | 76 | relating to protection of lands | 863 |

APPORTIONMENT, of state into senate and assembly districts ..... 870

APPROPRIATIONS to Atwood & Culver ..... 945
- Bennett, Joseph ..... 897
- Dixon, L. S ..... 622, 896
- Cadle Home ..... 895
- Fish Commissioners ..... 651
- Fond du Lac Relief Society ..... 896
- Governor, for contingent fund ..... 627
- Gray, Ansley ..... 623
- Graham, George ..... 934
- Griffin, Patrick ..... 623
- Hayhurst, Taylor S ..... 897
- Home of the Friendless ..... 846
- Institute for Blind ..... 869
- Milwaukee Industrial School ..... 847
- May, Reuben ..... 848
- Northern Hospital for Insane ..... 626
- Orphans' Association of Milwaukee ..... 894
- Quirk, James ..... 622
- Saint Aemelianus Orphan Asylum ..... 849
- Saint Joseph Orphan Asylum ..... 848
- Saint Luke's Orphan Asylum, of Racine ..... 846
- Saint Nazian Society ..... 847
- Saint Rose Orphan Asylum ..... 895
- School laws, for printing of ..... 933
- Sloan, I. C. ..... 896
- Stationery, for purchase of ..... 945
- Tate, J. Henry ..... 625
- Wisconsin Hospital for insane ..... 624, 625

ARBUCKLE JOHN, authorized to build dam in Burnett county ..... 596

ASEMBLY DISTRICTS, apportionment of State into ..... 870

ASSEMBLY JOURNAL, act relating to ..... 588

ASSESSMENT OF TAXES, act relating to, amended ..... 914

ATWOOD & CULVER, appropriation to ..... 945

## B.

Page.
BANKING, formation of associations for..... 853
BARABOO RIVER, act for the protection of fish..... 908
BARRON COUNTY, act authorizing dam in, amended..... 591, 611
salary of register of deeds of, legalized..... 636
BENNETT, JOSEPH, appropriation to..... 897
BLIND INSTITUTION, appropriation to..... 869
BLISS, L. W., authorized to build dam..... 594
BOARD OF HEALTH, State, act to establish..... 905
BOUNTY, on wild animals, act relating to, amended..... 521
BRIDGES, act relating to, amended..... 643
county of Burnett authorized to build..... 850
BUILDING ASSOCIATIONS, formation of, authorized..... 853
BURNETT COUNTY, salaries of officers of, legalized..... 649
authorized to build bridge accross St. Croix river..... 850
BUTTER AND CHEESE, act to protect manufacture of..... 920

## C.

CADLE HOME, of Green Bay, appropriation to..... 895
CEMETERIES, act relating to, amended..... 614, 618
CHIPPEWA COUNTY, act providing for lien on logs in, amended..... 913
CHIPPEWA FALLS, city of, incorporated..... 668
CIRCUIT COURT in Winnebago county, act relating to..... 812
phonographic reporter authorized in eleventh circuit..... 890
appointment of phonographic reporter authorized in fifth district..... 964
change of time for holding terms in fifth circuit..... 942
Lincoln county attached to eighth circuit..... 586
terms of, in all circuits..... 1004
CITY CHARTERS: Milwaukee, amended..... 657
Chippewa Falls, enacted..... 668
Racine enacted..... 715
Fort Howard, amended..... 616
Kenosha, amended..... 807
River Falls, enacted..... 814
Waupaca, revised..... 521
CLAIMS of Nelson McNeal, appointment of commissioners to investigate... 963
COLUMBIA COUNTY, construction of levee in..... 589
change of highway in legalized..... 933
COLUMBUS UNION FAIR AGRICULTURAL SOCIETY, authorized to file report..... 937
COMMISSIONERS OF SCHOOL AND UNIVERSITY LANDS, to inquire into transactions of Sturgeon Bay and Lake Michigan Ship-Canal and Harbor Company..... 630
COON RIVER, act declaring navigable..... 807
CORPORATIONS, for loan and building purposes..... 853
religious, providing for organization of..... 965
COUNTY BOARDS OF SUPERVISORS, relating to powers of..... 627
COUNTY FUNDS, act to provide for depositing, repealed..... 898
COUNTY SEATS, act for locating and changing, amended..... 960

## D.

Page.

DAM, act authorizing building of, on Clam river, amended ..... 591
at Janesville, act relating to ..... 922
John Arbuckle authorized to maintain in Burnett county ..... 596
John Jacobson authorized to erect ..... 632
across Little-Wolf river ..... 594
act authorizing Daniel E. Tewksbury to build, on Clam river, amended 611
act authorizing Roberts and Whelen to build, on Black river, amended. 613
across Wisconsin river, authorized ..... 629

DEEDS, and other instruments to be numbered consecutively by register of deeds ..... 946
act relating to record of ..... 947

DEER, act to prevent hunting of. with dogs., ..... 900

DIXON, L, S., appropriation to ..... 622, 896

DOCUMENTS, distribution of ..... 628

DODGE COUNTY, act relating to county court of, amended ..... 637

## E.

EAU CLAIRE, city charter amended ..... 917

ELECTIONS, division of towns into precincts, act amended ..... 862
relating to registration of voters amended ..... 862
act relating to registration of voters amended ..... 648
act fixing state board of canvassers, amended ..... 591

ELECTORS, act for registration of amended ..... 648
of towns to vote for repair of roads and bridges ..... 915

EMBARASS RIVER, act for improvement of ..... 598

## F.

FAMILY PROTECTIVE ASSOCIATION of Milwaukee, act incorporating, amended ..... 962

FEES, to garnishees, act for payment of ..... 900
for warrant issued upon requisition of executives of other states ..... 938

FELONY, molesting track of railroad to be punished as ..... 935

FERRY, act authorizing S. L. Severn to maintain, on Mississippi river, amended ..... 917

FIREMEN'S ASSOCIATION of Menasha, act incorporating ..... 891

FISH, preservation of, in Dane county ..... 635
act to facilitate artificial propagation of ..... 651
act for preservation of, in Waukesha county ..... 909
act for protection of, in Baraboo river ..... 908
protection of brook-trout ..... 969
preservation of, in Long lake ..... 941

FOND DU LAC RELIEF SOCIETY, appropriation to ..... 896

FORT HOWARD, city of, act incorporating, amended ..... 616

FOURTH LUMBER-DISTRICT, act relating to, amended ..... 641

FREE LIBRARIES, act authorizing, amended ..... 638

## G.

GAME, act for protection of deer ..... 900
act relating to destruction of, in Milwaukee county ..... 656

GARNISHEES, act for payment of fees to ..... 900

Page.

GRAHAM, GEORGE, appropriation to..... 934
GRAND RAPIDS, equalization and assessment of taxes in..... 588
GRAY, ANSLEY, appropriation to..... 623
GRIFFIN, PATRICK, appropriation to..... 623
GUARDIANS, of persons under legal disability, may petition for partition of lands..... 863
GUENTHER, LEONARD, authorized to erect piers and booms in Wisconsin river..... 651

H.

HAWKERS AND PEDDLERS, act relating to, amended..... 938
HAYHURST, TAYLOR S., appropriation to..... 897
HIGHWAYS, change of, legalized in Columbia county..... 933
relating to, in town of Wauwatosa..... 903
HIGHWAYS AND BRIDGES, act relating to, amended..... 858
act relating to, amended..... 889
act relating to, amended..... 643
act relating to repair of, amended..... 915
act relating to, amended..... 916
HOME OF THE FRIENDLESS, of Milwaukee, appropriation to..... 846

I.

INCORPORATED VILLAGES, authorized to lay out streets, &c..... 582
INSANE PERSONS, transfer of, to national hospital..... 581
INSTITUTION FOR BLIND, appropriation to..... 869
INSURANCE COMPANIES, law relating to, codified..... 881
act relating to, amended..... 646

J.

JACOBSON, JOHN P., authorized to erect dams..... 632
JANESVILLE, act relating to Monterey dam in..... 922
city of, act incorporating amended..... 607
council of, authorized to fill excavation..... 592
relating to improvements of streets in..... 612
JOINT RESOLUTIONS—
No. 1. For custom-house and post-office at Green Bay..... 977
2. In relation to restoration of land-grant..... 977
3. Authorizing suit for recovery of state money..... 978
4. Requesting establishment of signal station at Madison..... 978
5. Consolidated official Centennial directory..... 979
6. Providing for celebrating completion of Fox and Wisconsin River Canal..... 980
7. To amend section 2, article 8, of the state constitution..... 981
8. To send "Old Abe" to the Centennial Exhibition..... 981
9. To exhibit geological maps and specimens at Centennial Exhibition..... 981
10. To amend section 4, article 7, of the state constitution..... 982
11. For committee of investigation..... 982
12. Relating to appropriation to Wisconsin Hospital for the Insane. 983
13. Relating to location of State Prison and Hospital for Incurable Insane..... 983
14. Requiring superintendent of public property to file accounts with secretary of state..... 985
15. Relating to bridging of Detroit river..... 985
16. Tendering thanks to federal officers..... 986

Page.

JOURNALS of senate and assembly, distribution of..... 628
of senate and assembly, act relating to ..... 588

K.

KENOSHA, city of, act incorporating amended..... 807

L.

LAKE MARION, Dane county, preservation of fish in..... 635
LAND GRANT, act relative to conveyance of lands of..... 919
act to protect purchasers of lands of ..... 920
time for settlers upon to prove settlement extended ..... 936
LAND-MARKS, act relating to amended..... 645
LAPHAM, INCREASE A., authorizing purchase of cabinet and library of.. 944
LAWS, local. relating to publication of..... 934
LEACH SOLOMON, authorized to build dam ..... 629
LEGALIZED, acts of Bentley S. Phillips, as notary..... 649
salaries of officers of Burnett county..... 649
salary of register of deeds of Barron county ..... 636
acts in laying out state road from Debello to Wonewoc ..... 600
change of territorial road in Columbia county..... 933
acts of town of Stanfold, Barron county ..... 936
LEGISLATURE, laws relating to pay, mileage, etc., of members of, codified 885
LEVEE, act for construction of, on Wisconsin river, amended..... 589
LIBRARIES, free, act authorizing, amended ..... 638
LIEN on logs in Chippewa county ..... 913
LINCOLN COUNTY attached to Eighth congressional circuit..... 586
towns organized in ..... 586
LOCAL LAWS, relating to publication of..... 934
LOGS, to facilitate driving of..... 942
LONG LAKE, preservation of fish in ..... 941
LORAINE, town of, may issue bonds to settle indebtedness ..... 635
LUMBER-DISTRICT NO. 12, act establishing ..... 599
LUMBER-INSPECTOR of Fourth district, act relating to, amended..... 641
MANITOWOC AND TWO RIVERS PLANK-ROAD COMPANY, act incorporating, repealed..... 657
MARATHON COUNTY, school-districts in, may be divided..... 621
MARION LAKE, preservation of fish in..... 635
MAY, REUBEN, appropriation to ..... 848
McNEAL, NELSON, governor to appoint commissioners to investigate claim of ..... 963
MEMORIALS TO CONGRESS—
No. 1. Mail-route between Osceola Mills and Alden ..... 987
2. Mail-facilities in Green Lake and Waushara counties ..... 987
3. Mail-route between Marine Mills and Osceola Mills..... 988
4. Increased mail-facilities in Sauk county ..... 988
5. For appropriation to improve Chippewa river ..... 989
6. Mail-route from Wausau to Colby..... 990
7. Mail-route from New Glarus to Dayton and Brooklyn Station.. 990
8. Increased mail-service from Durand to Pepin..... 991
9. Mail-route from Kiel to Memee post-office..... 991

MEMORIALS TO CONGRESS—Continued. Page.
No. 10. For extension of the signal-service ..... 992
11. Mail-route from Marquette to Portage ..... 992
12. Mail-route from Waupaca to Plainfield ..... 993
13. Investigation of election of Geo. W. Cate ..... 993
14. Amendments to patent laws ..... 998
15. Improvement of St. Croix river ..... 999
16. Manitowoc and Two Rivers harbor ..... 1000
17. Increase of mail-service between Fire Lake and Hartford ..... 1000
18. Fish-ways in Fox River ..... 1001
19. Improvement of Fox and Wisconsin Rivers ..... 1001

MENASHA, firemen's association of, incorporated ..... 891

MESSAGE, of the governor, and documents, distribution of ..... 628

MILLTOWN, town of, may issue bonds to settle indebtedness ..... 635

MISHICOTT SCHUETZEN GESELLSCHAFT, act incorporating, amended ..... 609

MILWAUKEE, city of, act incorporating, amended ..... 910
act relating to municipal court in, amended ..... 911
act incorporating, amended ..... 657
act regulating practice of pharmacy and sale of poisons in ..... 601

MILWAUKEE COUNTY, act authorizing appropriation of money to treasurer, for clerk-hire, repealed ..... 898
relating to courts in, (two acts) ..... 899
relating to sheriff's fees in ..... 902
support of poor in ..... 597
destruction of game in ..... 656
act authorizing increase of salary of district-attorney of, repealed ..... 601
act relating to municipal court in, amended ..... 911
act fixing salary of clerk of circuit and county courts, amended ..... 912

MILWAUKEE AND BELOIT RAILROAD COMPANY, act incorporating, amended ..... 857

MILWAUKEE INDUSTRIAL SCHOOL, appropriation to ..... 847

MONTEREY DAM, act relating to ..... 922

## N.

NEWSPAPERS, to members of legislature, act relating to, codified ..... 885

NIMAKOGAN AND TOTOGATIC DAM COMPANY, act relating to, amended ..... 948

NORTHERN HOSPITAL FOR THE INSANE, appropriation to ..... 626

## O.

ORPHANS' ASSOCIATION, of Milwaukee, appropriation to ..... 894

## P.

PERMANENT LAND-MARKS, act relating to amended ..... 645

PHARMACY, act to regulate practice of, in Milwaukee ..... 601

PHILLPS, BENTLY S., acts as notary legalized ..... 649

PHONOGRAPHIC REPORTERS, appointment in Fifth judicial circuit, authorized ..... 964
authorized in Eleventh judicial circuit ..... 890

PIER, authorized in Little Sturgeon Bay ..... 595

PIERS AND BOOMS, Leonard Guenther, authorized to build ..... 651

PARTITION OF LANDS owned by several persons, act amended ..... 863

Page.

PORTAGE CITY, authorized to appropriate money ..... 976
PRINTING, act relating to, amended..... 854
PROTECTION OF LIFE in public buildings..... 968
PUBLICATION of local laws, act relating to..... 934
PUBLIC BUILDINGS, act for protection of life in..... 968
PUBLIC MONEYS, act for safe keeping and investment of..... 866
PUBLIC PRINTING, act relating to, amended..... ..... 864

Q.

QUIRK, JAMES, appropriation to..... 622

R.

RACINE, city charter codified..... 715
RAILROAD LAND-GRANT, act in relation to conveyance of lands of..... 919
act to protect purchasers of lands of..... 920
time for settlers upon, extended..... 936
act for protection of lands of..... 654
RAILROADS, Milwaukee and Beloit, act incorporating, amended..... 857
acts relating to lands of St. Croix and Lake Superior, amended... 859, 865
to provide against injury to life and property on..... 935
RE-ENACTED, section 3, chapter 46, general laws of 1869, relating to St. Croix and Lake Superior Railroad Company..... ..... 865
REGISTERS OF DEEDS required to number instruments recorded.. ..... 946
to keep general index, and index of records..... 947
of Barron county, salary legalized..... 636
REGISTRATION OF ELECTORS, act requiring amended ..... 648
act relating to amended..... 862
RELIGIOUS SOCIETIES, providing for incorporation of..... .. 965

REPEALED—GENERAL LAWS.

| *Year.* | *Chap.* | | |
|---|---|---|---|
| 1867 | 8 | relating to pay, etc., of members and employes of legislature | 885 |
| 1869 | 38 | relating to pay, etc., of members and employes of legislature | 885 |
| 1869 | 45 | relating to pay, etc., of members and employes of legislature | 885 |
| 1870 | 58 | relating to pay, etc., of members and employes of legislature | 885 |
| 1871 | 21 | act for protection of state lands..... | 803 |
| 1871 | 81 | relating to pay, etc., of members and employes of legislature | 885 |
| 1873 | 248 | repealing act in relation to courts in Milwaukee county..... | 899 |
| 1874 | 44 | amending acts in relation to courts of Milwaukee county..... | 899 |
| 1874 | 159 | relating to special road-tax in Vernon county ..... | 856 |
| 1874 | 348 | relating to St. Croix and Lake Superior railroad company ... | 865 |
| 1875 | 175 | authorizing increase of salary of district-attorney of Milwaukee county..... | 601 |
| 1875 | 177 | authorizing treasurer of Milwaukee county to employ clerks.. | 898 |
| 1875 | 261 | relating to depositing of county funds..... | 898 |

REPEALED—PRIVATE AND LOCAL LAWS.

| *Year.* | *Chap.* | | |
|---|---|---|---|
| 1852 | 82 | incorporating Manitowoc and Two Rivers Plank-Road Company..... ..... | 657 |
| 1868 | 430 | so much as authorizes dam across Sucker lake..... | 940 |
| 1869 | 156 | so much as authorizes erection of dam across Sucker lake... | 940 |

REQUISITIONS, of executives of other states, fees for warrant issued upon. 938
REVISION OF STATUTES, act providing for, amended ..... 810
RICHMOND, town of, change of boundary of ..... . 902

Page.
RIVER FALLS, act incorporating city of..... 814
ROADS, unrecorded, act relating to discontinuance of, amended..... 889

S.

SAINT AEMELIANUS ORPHAN ASYLUM, appropriation to..... 849
SAINT CROIX AND LAKE SUPERIOR RAILROAD, acts relating to lands of, amended..... 859, 865
SAINT CROIX LAND-GRANT, protection of lands of..... 654
SAINT JOSEPH'S ORPHAN ASYLUM, appropriation to..... 848
SAINT LUKE'S HOSPITAL, appropriation to..... 846
SAINT NAZIAN SOCIETY, appropriation to..... 847
ST. ROSE ORPHAN ASYLUM, of Milwaukee, appropriation to..... 895
SALARIES, of state officers fixed..... 867
of members of legislature..... 885
of state officers and employes, when to be paid..... 901
SAUK COUNTY, construction of levee in..... 589
SAVINGS ASSOCIATION, formation of, authorized..... 853
SAVINGS BANKS, act for organization of..... 927
SAVINGS SOCIETIES, act for organization of..... 927
SCHOOL AND UNIVERSITY LANDS, act relating to sale of, amended. 615
SCHOOL-DISTRICT No. 1, towns of Wonewoc and Woodland authorized to borrow money..... 926
SCHOOL-DISTRICTS in Marathon county, may be divided..... 621
SCHOOL-HOUSES, act relating to construction of..... 968
SCHOOL LAWS, appropriation for printing of..... 933
SENATE DISTRICTS, apportionment of state into..... 870
SENATE JOURNAL, act relating to..... 588
SHAWANO, town of, change of boundary of..... 902
SHAWANO COUNTY, act for improving Embarrass river in..... 593
SHEBOYGAN, city of, act relating to police court of, amended..... 619
SHULLSBURG, village of, acts relating to, amended..... 636
SLOAN, I. C., appropriation to..... 896
STANFOLD, acts of town board of, legalized..... 936
STATE BOARD OF CANVASSERS, act relating to, amended..... 591
STATE BOARD OF CHARITIES AND REFORM, authorized to transfer insane persons..... 581
binding of report of..... 634
act organizing..... 971
STATE BOARD OF HEALTH, act to establish..... 905
STATE LANDS, appointment of agents for protection of..... 803
STATE LIBRARY, appropriation to..... 627
STATE OFFICERS, act establishing salaries of..... 867
when salaries of, to be paid..... 901
STATE PRISON, leasing labor of convicts confined in..... 632
STATE ROAD, from St. Croix Falls to New Richmond and Ashland, act amended..... 590
from Debello to Wonewoc, laying out, legalized..... 600
from Viroqua to Elroy..... 812
from Jenny to Westboro..... 931

Page.

STATE TAX for 1876, act providing for levy of..... 849
STATIONERY, to members of legislature, act relating to, codified..... 885
appropriation for purchase of..... 945
STATUTES, act for revision of, amended..... 810
STEPHENSON, ALBERT B., authorized to build pier..... 595
STEVENS POINT, act relating to police court of, amended..... 617
act incorporating, amended..... 610
STREETS, etc., incorporated villages authorized to lay out..... 582
STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL AND HARBOR COMPANY, school land commissioners to inquire into transactions of..... 630
SUCKER LAKE, act relating to, repealed..... 940
SUPREME COURT, may employ secretary..... 628

## T.

TATE, J. HENRY, appropriation to..... 625
TAXES, act relating to assessment of, amended..... 914
state, for 1876, act providing for levy of..... 849
for special road purposes in Vernon county, repealed..... 856
THEATERS, act relating to construction of..... 968
THORN-APPLE RIVER, act for improvement of, amended..... 915
TIMBER-AGENTS, act for appointment of..... 803
TOWNS, division of, into voting precincts..... 862
TOWNS AND TOWN OFFICERS, act relating to, amended..... 915
TOWN INSURANCE COMPANIES, laws relating to, codified..... 881
TREE-BELTS, act for protection of, amended..... 606
TRESSPASSES, on state lands, act in relation to..... 803
TROUT, providing for protection of..... 969

## V.

VAULTS, for reception of dead bodies may be built..... 647
VERNON COUNTY, act providing for taxes for special road purposes in, repealed..... 856
VILLAGES, authorized to lay out streets, public grounds, &c..... 582
VIROQUA, removal of bodies from cemetery in, authorized..... 650

## W.

WATERTOWN, city of, election of justices in..... 852
WAUKESHA COUNTY, act for preservation of fish in..... 909
WAUPACA, city charter revised..... 521
WAUWATOSA, relating to highway in town of..... 903
WHITEWATER, village of, amending charter of..... 952
WILD ANIMALS, act for bounty on, amended..... 521
WINNEBAGO COUNTY, relating to circuit court in..... 821

Page.
WISCONSIN RIVER IMPROVEMENT CO, act relating to amended.... 644
WISCONSIN STATE HOSPITAL FOR THE INSANE, appropriation to..... 624, 625
WISCONSIN VALLEY RAILROAD, act incorporating, amended..... 608
WONEWOC, town of, authorizing joint school district in, to borrow money.. 926
WOODLAND, town of, authorizing joint school district in, to borrow money. 926

113317